

Meeting of the Village of Brockport Zoning Board of Appeals was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Thursday, June 7, 2012, 7:00pm.

PRESENT: Chair John Bush, Member Francisco Borrayo, Member James Hamlin, Member Robert Duff, Clerk Pamela Krahe.

ALSO PRESENT: Steven Zisovski, Linda Borrayo, Margay Blackman, Carol Hannan

CALL TO ORDER: Chair Bush called the meeting to order and led the Pledge of Allegiance.

REVIEW OF MEETING MINUTES: Chair Bush called for a motion to approve the minutes of the last meeting. Clerk Krahe noted that upon the advice of the Village Attorney, the minutes of April 5, 2012 be amended to include the following (to be inserted immediately after the final paragraph of discussion of the application of 19 Park Avenue that begins "Acting Chair Hamlin asked for a motion to approve the application..."):

The Board was later made aware by communication from the Village Attorney that although the Acting Chair asked for a motion to approve the application and none was subsequently made, a determination on the application is required; therefore a motion must still be put forth and voted upon by the Board.

➔ Member Borrayo moved, Member Duff seconded, unanimously carried to approve the minutes of the meeting held April 5, 2012 as amended.

CORRESPONDENCE: None

NEXT MEETING: Thursday, August 2, 2012 at 7:00pm. (No July meeting scheduled per Village Clerk due to the Independence Day holiday.) Chair Bush notified members that the August meeting will be held regardless if there is an application, for the purpose of selecting a Chair and Vice Chair as is customary for that time of the year.

PUBLIC HEARING: None (Public Hearing closed April 5, 2012. NO public comment taken tonight.)

OLD BUSINESS:

1. Application of:

Name:	James Zisovski
Address:	19 Park Avenue
Tax Map #:	069.13-1-4
Property Code:	210 Single-family
Zoning:	O-Residential
Lot size:	49.5' wide x 183.48' deep
Purpose:	Use variance to convert a single-family home (210) to an owner-occupied two-family (220)
Provision of Zoning Ordinance:	Chapter 58-9 A (1)

Chair Bush briefly explained the purpose of tonight's meeting is solely for the Board to officially render a determination on the above application.

The Chair read the Use Variance Test and the board reviewed the 4 points of the test. An applicant must prove that zoning regulations and restrictions would cause unnecessary hardship on all 4 points.

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making a determination the board shall also consider:

- 1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;*
- 2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;*
- 3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and*
- 4. That the alleged hardship has not been self-created.*

Discussion:

- The Board noted there was nothing in the evidence presented that indicated any financial impact to the applicant. Also noted was that the applicant bought the house knowing it was classified single-family and knowing he was taking a chance on gaining an approval.
- The Board could not see how the hardship is unique. It was pointed out that while the house is large, it is not unique. Board members indicated there are many houses in the village that are similar in size.
- The Board stated that while granting the variance may not affect nearby homes immediately, the houses are close to each other and if granting the variance may start a future trend toward rentals, which would indeed alter the essential character of the neighborhood.
- The Board reiterated the applicant knew it was a single-family house when he purchased it

which makes it a self-created hardship.

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- ➔ Member Duff moved, Member Borrayo seconded, unanimously carried that the application be denied because the applicant failed to prove unnecessary hardship for the four points – substantial lack of return, uniqueness, not altering the character of the neighborhood, and being self-created.

Role call vote:

Member Borrayo	Aye
Member Hamlin	Aye
Member Duff	Aye
Chair Bush	Aye

Member Borrayo noted Mr. Steven Zisovski brought other information with him this evening he hoped to present. Chair Bush clarified that the public hearing has been closed and cannot be reopened.

OTHER BUSINESS:

Chair Bush thanked Member Hamlin for his service to the Board. As Mr. Hamlin's term expires at the end of this month, this is his last meeting. Other members also thanked Mr. Hamlin.

ADJOURNMENT:

- ➔ Member Borrayo moved, Member Hamlin seconded, unanimously carried that the meeting be adjourned at 7:16pm.

Pamela W. Krahe, Clerk