

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, May 7, 2015, 7:00pm.

PRESENT: Chair John Bush, Vice Chair Robert Duff, Member Douglas Wolcott, Member Laurence Vaughan, Member Sal Sciremammano, Clerk Pamela Krahe.

EXCUSED: Building/Zoning Officer David J. Miller

ALSO PRESENT: Michael Willis, Kathy Kristansen

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 minutes.

➔ Member Vaughan moved, Member Sciremammano seconded, unanimously carried to approve the minutes of the meeting held March 2, 2015 as amended.

NEXT MEETING: Thursday, June 4, 2015 at 7:00pm if needed

CORRESPONDENCE: Brief letter from Codes Officer David Miller regarding tonight's application.

Public Hearings:

NEW BUSINESS:

1. Name: Michael Willis
Address: 33 Fair Street
Tax Map #: 068.20-2-19
Property Code: 210
Zoning: O-Residential
Lot size: 59' wide x 67.83' (east line), 76.75' (west line)
Purpose: To seek relief from allowable lot coverage [Chapter 58-9 E] and from required side and rear yard setbacks [Chapter 58-9 F (2), (3), and (4)]
Zoning Code: Chapter 58-9 E & F (2), (3), & (4) as follows:
E. Percentage of lot coverage. One-family dwellings and their accessory structures shall not cover more than 30% of the lot area.
F. (2) There shall be a rear yard of not less than 30 feet in depth.
F. (3) There shall be two side yards, both of which shall be not less than 10 feet in width.
F. (4) Where a lot has, at the time of the enactment of this chapter, a width of less than 85 feet, the side yard requirements shall be modified in proportion of the lot width to the required lot width, so that one side yard shall have a width of not less than four feet and the other side yard shall have a width of not less than 11 feet

Applicant Presentation:

Michael Willis noted he and his wife have lived in his home since 1984 and they have always wanted a garage. The current shed/garage in the backyard is rather dilapidated. They put on an addition in 1988 and would now like to put on a small addition for a bathroom and laundry room, as well as build an attached garage. His lot is only 59' wide and 67' (east line) or 76' deep (west line). At its closest point, the new garage will be within approximately 2-3' of the property line. There are 11 other homes on his street with a garage on the lot line. He wonders how, if his lot doesn't even meet the minimum size per code, the other rules can be applied to his property. He is here to seek a variance.

Public Comment:

➔ Member Duff moved, Member Sciremammano seconded, unanimously carried that the regular meeting be closed and the public hearing be opened at 7:08 pm.

There was no one in the audience for public comment.

➔ Member Duff moved, Member Vaughan seconded, unanimously carried that the public hearing be closed and the regular meeting be reopened.

Continued Board discussion on application:

Chair Bush asked if Mr. Willis had spoken with the neighbors about his plans. Willis indicated Karl Zimmer lives to the west and he has no concerns. Neighbors to the east have no problem with it as their backyard will actually open up a bit. Across the street from him are a couple of rentals. When asked if any neighbors had a concern when the addition was put on in 1988, Willis replied no. The garage to the rear of the property was there when they bought the house.

Chair Bush asked Clerk Krahe to read the letter into the minutes from CEO Miller.

To the Zoning Board:

Regarding the application of Michael Willis at 33 Fair Street, there are only a couple of concerns I have, should you decide to grant the application.

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1. The east side of the proposed addition is approx. 2 ft. 3 in. from the property line which will need a 1-hour fire rated assembly if the wall remains at less than 5 feet from the property line.
2. Any openings on that east side shall be limited to an amount not to exceed 25% of the total wall area.

If the applicant or member of the Zoning Board has any questions, please do not hesitate to contact me.

Sincerely,
David Miller, Code Enforcement Officer

There was a brief discussion on how the fire rated assembly could be achieved. Mr. Willis is a general contractor and is familiar with the codes.

Member Sciremammano asked about the height of the new garage. The applicant stated it would be 16 feet, or whatever the code says. Members looked up code sections and Trustee Kathy Kristansen mentioned Chapter 58-8 A (5) which states in part: *No accessory building shall exceed 15 feet in height.* Kristansen also found ZBA minutes on the village website from 8/22/2000 regarding the owner of a house at 122 East Avenue seeking an area variance to allow a garage height of 22'. That application was approved. The board asked the applicant if a maximum height of 15' would work. He said he has an 8/12 pitch on the house and would like to match it on the garage, which would require it to be about 20' high. Board members discussed the aesthetics and their desire to allow homeowners to improve their properties. They unanimously agreed to include in the motion their support of allowing a taller building height for the new garage so as to keep it architecturally consistent.

- Member Duff moved, Member Vaughan seconded, that the application for the area variance for allowable lot coverage be approved due to the lot being undersized per current village code, and the area variance for side and rear yard setbacks to also be approved. The Zoning Board of Appeals also exempts the height restriction so that in the case of 33 Fair Street the garage height may be more than 15 feet, but only to the height required for the pitch of the garage roof to match the pitch of the house roof for consistency between both, and overall aesthetics.

Role call vote:
Member Sciremammano Aye
Member Duff Aye
Chair Bush Aye
Member Wolcott Aye
Member Vaughan Aye

The motion carries unanimously with 5 votes in favor, 0 against.

Adjournment:

- Member Vaughan moved, Member Sciremammano seconded, unanimously carried that the meeting be adjourned at 7:49pm.

Pamela W. Krahe, Clerk