

MINUTES
February 3, 2016
ZONING BOARD OF APPEALS
City of Batavia

PLEASE NOTE: These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

1. Meeting Called to Order of the Zoning Board of Appeals

Chair LaLonde called the meeting to order at 7:00pm.

2. Roll Call:

Members Present: Chair LaLonde; Vice-Chair Schneider; Commissioners Harms, Joseph, Peterson and Gosselin

Members Absent:

Also Present: Drew Rackow, Planner; Joel Strassman, Planning and Zoning Officer; and Jennifer Austin-Smith, Recording Secretary

3. Items to be Removed, Added or Changed

There were no items to be removed, added or changed.

**4. Public Hearing: Variances for a Replacement Garage at 514 Main Street; Spillane and Sons, Mike Spillane, Applicant
514 Main Street**

Motion: To open the Public Hearing

Maker: Gosselin

Second: Joseph

Voice Vote: 6 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried

Tom Gosselin recused himself from this Public Hearing due to being the applicant's attorney.

Rackow reported that tonight's hearing is for a replacement garage at 514 Main Street. Mike Spillane, applicant, would like a variance for a 2 ft rear variance and a 2 ft setback to the interior side property line versus the required 5 ft for both. The existing 16 x 18 garage is proposed to be replaced with a 20 x 20 garage. The shed on the property would remain at the current location. The close proximity to the existing home would limit the movements out of the proposed garage and moving the garage further to the east would diminish the amount of backyard on the property. The property was built in 1925 and is zoned R1H. Staff concurs with the request for a 2 ft side setback but recommends a 4.5 ft setback for the rear, reflective of the existing condition on the site.

Joseph asked if they are required to have a utility easement. Rackow stated that there is no easement on the plat of survey and there are not easements on either side. LaLonde asked if the applicant replaced the garage in the exact footprint would they still need a variance. Rackow answered they would still need a variance due to the nonconforming status of the structure.

Chair LaLonde swore in the applicant. Mike Spillane, Spillane and Sons, shared that he lives around the corner and owns this building in question. He pointed out that the letters of support from the neighborhood were unsolicited and he does not know the people who wrote them. The suggested 4.5 ft would make it difficult to get in and out of the garage because of the existing screened porch. There is no problem with the proposed condition for the service door location. To make it easier for the cars to exit and enter the garage they plan on removing the existing fence. The whole home will be rehabbed and brought down to the studs. There will be a whole new home inside the building. The driveway is in relatively good shape and they would like to leave as much as they can. He shared that no one has lived in that home for nine years. The driveway is shared with the neighbors and that is another reason for the variance request, to increase the safety and maneuverability of the vehicles.

LaLonde stated that he appreciates what Spillane's company has done in town with the older homes. LaLonde asked if the applicant considered turning the garage slightly. Spillane answered that it would create space in the backyard that would be unusable. There would be a pie shape in one corner of the lot and another pie in the back. Joseph stated that the garage would be 2.5 ft closer to the house and asked if it would be a small garage. Spillane stated that there is a not a lot of room in that location to work with and it is a small two car garage.

Motion: To close the Public Hearing
Maker: Peterson
Second: Harms
Voice Vote: 6 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

LaLonde stated that, due to maneuverability, he could see the validity of having a variance of 2 ft for both property lines. Rackow stated that the Commission could consider if the 2 ft setback is enough and could recommend approval of the variances. LaLonde stated that he is in support of the applicant's request. Strassman noted that the Findings of Fact were written with the four-foot setback and the approval of the Findings of Fact would have to be adjusted to the applicant's requested two-foot setback.

Motion: To approve the Findings of Fact in the affirmative, with the setbacks requested by the applicant
Maker: Peterson
Second: Harms

Discussion was held on the motion. Joseph commented that she is not comfortable approving the adjusted Findings of Fact at this time. She explained that she does not have enough time to review each finding in regards to the two-foot setback.

Roll Call Vote: **Aye:** Harms, LaLonde, Peterson, Schneider
 Nay: Joseph
 4-1 Vote, 0 Absent, 1 Recusal, Motion carried.

Motion: To approve the variances for the garage with a two-foot setback and a two-foot side-yard setback with the condition that the service door be located on the east elevation

Maker: Peterson

Second: Schneider

Roll Call Vote: **Aye:** Harms, LaLonde, Peterson, Schneider
 Nay: Joseph
 4-1 Vote, 0 Absent, 1 Recusal, Motion carried.

Tom Gosselin returned to the meeting 7:25 pm.

5. Other Business

Strassman reported that the Dunkin Donuts discussion would be at the Historic Preservation Commission (HPC) meeting on Monday, February 8, 2016. The HPC would be reviewing the proposed signs and changes to the building. The Committee of the Whole (COW) should discuss the zoning issues at the first COW meeting in March.

6. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Zoning Board of Appeals meeting. Harms moved to adjourn the meeting, Gosselin seconded. All were in favor. The motion carried. The meeting was adjourned at 7:26 pm.

Minutes respectfully submitted by Jennifer Austin-Smith