

**MINUTES**  
**May 4, 2016**  
**Plan Commission and 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 for the Plan Commission and Zoning Board of Appeals Meeting**

Vice-Chair Schneider called the Plan Commission (PC) and Zoning Board of Appeals (ZBA) meeting to order at 7:00pm.

**2. Roll Call:**

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

**Members Absent:** Chair LaLonde; Commissioner Gosselin

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

**3. Items to be Removed, Added or Changed**

Strassman reported that the City, as applicant, has withdrawn their application for an amendment to the City's Zoning Map. Strassman explained that not all of the landowners want this item to move forward. Therefore, agenda item number six will be removed from the agenda and the Public Hearing would not be held.

**4. Approval of Minutes: April 6, 2016 Plan Commission  
April 20, 2016 Plan Commission and Zoning Board of Appeals**

**Motion:** To approve the Plan Commission minutes from April 6, 2016 and Plan Commission and Zoning Board of Appeals minutes from April 20, 2016

**Maker:** Joseph

**Second:** Harms

**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried.

**5. PUBLIC HEARING: Variances for a Home Second Story Addition at 514 Main Street Spillane and Sons, Mike Spillane, Applicant**

Rackow reported that tonight's public hearing is for a variance that would allow a second story addition at 514 Main Street. This property is zoned Residential Single Family High Density, R1H. The applicant is proposing to use the existing footprint of the sunroom off the east side of the building and build above that footprint only to create a second bathroom on the second floor. It would not increase the size of the structure's footprint. A second floor addition, under the Zoning Code, would have to meet the current setback requirements. The current setback

requirements for this property are five feet on one side and ten feet on the other. The variance request would be to allow this second floor encroachment to encroach into that required five-foot setback and to allow the overhangs to go into that required setback up to 1.625 feet rather than the required three feet. A variance is also proposed for the west interior setback of the home. Rackow reminded the ZBA that a garage variance request was reviewed earlier this year, which reviewed many of the conditions on the property. The applicant has explained, to enhance the livability of the home, a second bathroom is needed and it would have a positive effect of the neighborhood.

Rackow stated that staff is in support of the variances, mostly because it would not increase the footprint of the building. This is a small variance relative to the overall site. If the findings are found in the affirmative, staff is recommending approval of the following variances: an east setback of 2.87 feet with a roof overhang to be at 1.625 feet from the property line, and to establish the existing west side of the building having a side setback of approximately seven feet rather than the required ten feet.

**Motion:** To open the Public Hearing  
**Maker:** Peterson  
**Second:** Joseph  
**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried.

Strassman swore in all who wanted to address the Commission and Zoning Board of Appeals.

Thomas Bridge, 365 S Jefferson St, a resident of Belleview place, stated that he is in support of the work that the applicant, Mr. Spillane, has done. Mr. Spillane has taken dilapidated homes and improved them for the better. The more that people like Mr. Spillane come to Batavia and rehab homes the more the City will receive a positive effect in terms of our equity and resale. It would behoove the City to pass these variances right away. The home is an eyesore and it would be changed into positive equity to the community.

Mike Spillane, applicant, stated that he is here to answer any questions. There were none.

**Motion:** To approve the five findings as listed on the 4-28-16 memo  
**Maker:** Joseph  
**Second:** Peterson  
**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried.

**Motion:** To recommend approval of the three variances  
**Maker:** Harms  
**Second:** Schneider  
**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried.

Rackow stated that staff would try to get this item on the May 10<sup>th</sup> Committee of the Whole agenda. Otherwise it would have to go onto the May 24<sup>th</sup> agenda. The May 17<sup>th</sup> agenda is being utilized for closed session, interviewing for the new City Administrator.

**6. PUBLIC HEARING: Amendment to the Official Zoning Map from LI, Limited Industrial to R2, Two Family Residence District. Northeast Corner of South Mallory Street and First Street. City of Batavia, Applicant.**

This was removed from the agenda. The applicant withdrew their application.

**7. Approval: Amendments Plan Commission & Zoning Board of Appeals By-Laws**

Rackow stated that the changes of the bylaws were based on the conversation at the last PC and ZBA meeting. The changes are to remove the limitation of one term for the chair and vice-chair. During staff's review, it was discovered that we do have to make modifications to the Zoning Code for the requirements for the ZBA. As part of the next PC meeting, we will have a Public Hearing. Action could be made on the bylaw contingent on the zoning change taking place. The PC changes could be made without any such condition. Joseph stated that she likes the way the bylaws are written.

**Motion:** To approve the Plan Commission bylaws for the officers term of chair and vice-chair, that they may be re-elected no more than three consecutive two-year terms

**Maker:** Joseph

**Second:** Peterson

**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried.

**Motion:** To approve the Zoning Board of appeals bylaws for terms of chair and vice-chair with election every two years and may be re-elected no more than three consecutive terms contingent on amendment to the Zoning Code

**Maker:** Joseph

**Second:** Harms

Discussion was held on the motion. Joseph asked if the ZBA chair and the vice-chair could be different than the PC. Strassman stated that having the same chair and vice chair for both the PC and the ZBA does work best since the two function jointly. However, there is no requirement that they be the same.

**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried.

**8. Election of Officers – Plan Commission & Zoning Board of Appeals**

Strassman stated that election of the chair and vice-chair are to be every two years at the first meeting in May. There are two Commissioners not in attendance this evening. An alternative would be to individually table each one of these elections. We would want to table the ZBA election until the City Council takes final action to amend the Zoning Code. It may be best to table each of these items until that time. In the interim, the current chair and vice-chair would

continue in their capacities until new ones are elected. There was no objection from the Commission.

**Motion:** To table election of officers for the Zoning Board of Appeals until June 15, 2016

**Maker:** Harms

**Second:** Joseph

**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried.

**Motion:** To table election of officers for the Plan Commission until June 15, 2016

**Maker:** Harms

**Second:** Joseph

**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried.

## 9. Other Business

Rackow reported that a text amendment would be at the next PC meeting to address the terms of office as well as some changes for accessory structures in the Residential Districts. Also, there may be a possible Design Review application.

The next PC meeting is May 18, 2016.

In response to an inquiry on the progress of the Dunkin Donuts drive through, Strassman reported that the owner has acquired more information on the existing building and existing retaining wall on the property from staff to give to his architect and engineer. The owner has been made aware of the six-month period in which the variances remain effective.

Schneider commended the City for the tree list that is on record. He stated that it is important to have a variety of species to avoid having the same issues as with the Ash trees. Strassman stated that staff does not allow more than three of the same species in a row on City parkways or development applications.

Rackow announced that the United Methodist Church would be going to the Committee of the Whole next week for their variances and map amendments.

## 10. Adjournment

There being no other business to discuss, Vice-Chair Schneider asked for a motion to adjourn the Plan Commission. Joseph moved to adjourn the meeting, Harms seconded. The motion carried. The meeting was adjourned at 7:28pm.

Minutes respectfully submitted by Jennifer Austin-Smith