

**TOWN OF PARMA
ZONING BOARD OF APPEALS
JANUARY 19, 2022**

Members Present: Greg Colavecchia, Dan Melville, Stephen Shelley, Ann Williams

Members Excused: Veronica Robillard

Others Present: Mark Lenzi, Dave Ciufu

Public Present: Brenda Paine, Brian Kogler, Ellen Stevens, Jack Barton

The meeting was called to Order by Acting Chairperson Melville at 7:00 p.m.

Acting Chairperson Melville explained the function and decision-making process of the Zoning Board of Appeals and noted notice of the meeting was published in the Suburban News, on the Town Bulletin Board, and on the Town website. Residents within 500 feet of an application were notified in writing. He noted this is a five-member board with 4 seated members. A quorum of three is required to pass a motion. He introduced the members of the Board, Secretary and Executive Secretary.

MINUTES OF DECEMBER 15, 2021

The ZBOA minutes of December 15, 2021, were reviewed. **Motion** was made by Stephen Shelley to approve the December 15, 2021, minutes as presented. **Seconded** by Ann Williams. **Motion carried to approve (4-0)**

Ayes: Greg Colavecchia, Dan Melville, Stephen Shelley, Ann Williams

Excused: Veronica Robillard

TABLED FROM DECEMBER 15, 2021

1. ELLEN STEVENS, OWNER OF 181 BAILEY ROAD

The applicant is requesting relief from Town Zoning, Article V, subsection 165-31E(1) to allow the construction of a 240 sq. ft addition (4 Season Room) to the rear of the home with a side setback of 6.3' and a front setback of 41'. The existing home's front setback is approximately 25'. Town Code requires a 25' side setback and a 60' front setback. This property is zoned Agricultural Conservation.

The application was tabled to allow the applicant time to mail notifications. Brian Kogler, Fitch Construction, said the applicant is looking to building a 4 seasons room over the existing deck. There was discussion about the side and rear setbacks. The house was built before the current code making it an existing nonconforming structure. The applicant is asking for variances for the new structure even though it will be behind the house because it falls into the required setback.

Board Discussion: Mark Lenzi reported notifications were in order, the request was returned by Monroe County with no comment. This is a Type II action; no further review required. There was a letter from Mr. Bonter, 336 Peck Road stating he had no concerns with the application.

Public Comment: None
Public Hearing Closed

A motion was made by Greg Colavecchia to **approve** the application of Ellen Stevens, owner of 181 Bailey Road, to allow constructions of a 240 sq. ft. addition (4 Season Room) to the rear of the home with a side setback of 6.3' and a front setback of 41' **granting** relief from Town Zoning Article V, subsection 165-31E(1). The existing home's front setback is approximately 25'. Town Code requires a 25' side setback and a 60' front setback. This property is zoned Agricultural Conservation. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. As discussed, this is an existing nonconforming structure because of its age.
- There will be *no* undesirable change in neighborhood character or to nearby properties in fact it might be a desirable one. A neighbor sent a letter and does not object to the application.
- The request *is* substantial because Town Code states the setback is 25' and the applicant is asking for 6.3'. Because it is nonconforming, the structure is already within the setback requirement and the new structure will not be encroaching into the setback any further.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty *is not* self-created. The deck already exists where the 4 seasons room will be and grants the minimum variance. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community.

Seconded by Stephen Shelley. **Motion carried to approve (4-0)**

Ayes: Greg Colavecchia, Dan Melville, Stephen Shelley, Ann Williams

Excused: Veronica Robillard

ADJOURNMENT

There being no further business, a **Motion** was made by Stephen Shelley to adjourn the meeting at 7:10 p.m. **Seconded** by Greg Colavecchia. **Motion carried to approve (4-0)**

Ayes: Greg Colavecchia, Dan Melville, Stephen Shelley, Ann Williams

Excused: Veronica Robillard

Respectfully submitted,

Carrie Fracassi
Recording Secretary

