

**TOWN OF PARMA
ZONING BOARD OF APPEALS
December 18, 2014**

Members Present: Dan Melville
Veronica Robillard
Tim Thomas
Stephen Shelley
Jim Zollweg

Members Excused: Dean Snyder

Others Present: Dennis Scibetta, Art Fritz, Kyle Mullen

Public Present: John Gebbie, Craig Bryce, Katie Schmeer, Emma Heydens, Alyssa Bianchi, Gage DiSanto, Steven Sepaniak

The meeting was called to Order by Chairperson Robillard at 7:05 p.m. Chairperson Robillard explained the function of the ZBOA and the decision-making process. She also explained that this is a five member board and a quorum of three is required to pass a motion.

NEW BUSINESS

1. TOWN OF PARMA – 1294 HILTON PARMA CORNERS ROAD

The application of the Town of Parma for an area variance at 1294 Hilton Parma Corners Road. The applicant is seeking relief from Town Zoning Article XIV, Subsection 165-112.C, which states a sign not exceeding four square feet in area can be placed on the building. The applicant would like to put a sign on the building not to exceed 32 square feet. This property is currently zoned Agricultural/Conservation (AC).

Kyle Mullen, Town Board member, spoke on behalf of the applicant and explained that the Historical Society would like to place a sign on the west side of the museum building so that it would be more visible to people wishing to visit. Currently people pull onto the grounds and they call because they do not know where the building is. There would be no lights just letters attached to the side of the building which will match the lettering on the Town Hall Building to keep it consistent. Dennis Scibetta explained that even though the Town is not required to get a variance it was felt that the procedure should be the same as the residents. Tim Thomas asked why not a structure mounted sign instead of on the building. Chairperson Robillard asked if the letters would be all caps or lower case also. Kyle Mullen stated that they would like to be consistent with the signage on the Town Hall. Chairperson Robillard asked if the museum is open to the public and if there is a fee. Kyle Mullen said it is open to the public; there is no charge to visit.

Public Comment: None

Public Hearing Closed.

Board Discussion: Dennis Scibetta reported that notifications were in order, there are no letters in the file, the request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required.

A **Motion** was made by Tim Thomas to **approve** the application of the Town of Parma, for an area variance at 1294 Hilton Parma Corners Road. The applicant is seeking relief from Town Zoning Article XIV, Subsection 165-112.C, which states a sign not exceeding four square feet in area can be placed on the building. The applicant would like to put a sign on the building not to exceed 32 square feet. This property is currently zoned Agricultural/Conservation (AC).

In making the motion to approve:

- The benefit cannot be achieved by other means feasible to the applicant. Through the course of tonight's testimony it has become evident that many residents that want to visit the museum get

confused as to which building it is and this would help improve that situation. The letters will be consistent with the lettering that is on the current Town Hall facility.

- There will be no undesirable change in neighborhood character or to nearby properties. The proposed signage fits very nicely into the west side of the building and is not obtrusive. Putting larger signage by the roadway could be more of a safety concern.
- The request is substantial. It is more significant than our code currently allows; however, it is justified by the need for the letters which will allow people to see it from the road or driveway clearly.
- There will be no adverse physical or environmental effects.
- The alleged difficulty is somewhat self-created; however, using the balancing test, the benefit to the applicant exceeds any detriment to the health, safety and welfare of the community.

Seconded by Jim Zollweg. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg; **Absent:** Dean Snyder).

2. JOHN GEBBIE – 107 BAILEY ROAD

The application of John Gebbie, owner, for two area variances at 107 Bailey Road. The applicant is seeking relief from Town Zoning Article V, subsection 165-31, schedule 1, front setback to be 60 feet. The applicant is seeking to construct a three season's room to have a front setback of no less than 28 feet. The applicant is requesting relief from Town Zoning Article V, subsection 165.31.C.2 which limits the total of all accessory structures to no more than 2,000 square feet. The applicant currently has a 2,400 square feet accessory structure and proposes building a 192 square feet accessory building. This property is currently zoned Agricultural/Conservation (AC).

John Gebbie, owner, explained that he was here approximately three years ago and was given a variance for an addition onto his house but that addition was never created because they ran out of money. He would like to build a three season room onto the house in the same area that the last variance was granted but it would be smaller. This addition would be on the north side of the house but it will start 10 feet back from the front of the house. Tim Thomas asked when this house was built. Applicant stated 1954 but the inside of the house has been gutted and rebuilt the outside walls are the only parts that are original. Applicant explained that this would not have a heat source; it would also have an attached screened porch. The addition with the porch would be 20x20 square feet. The house is built on an angle. There was discussion surrounding the distance that the Board should give and the front setback.

Public Comment: None

Public Hearing Closed.

Board Discussion: Art Fritz reported that notifications were in order, there are no letters in the file, the request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required.

A **Motion** was made by Jim Zollweg to **approve** the application of John Gebbie, owner, for an area variance at 107 Bailey Road. The applicant is seeking relief from Town Zoning Article V, subsection 165-31, schedule 1, front setback to be 60 feet. The applicant is seeking to construct a three season's room to have a front setback of no less than 29 feet. This property is currently zoned Agricultural/Conservation (AC).

In making the motion using the balancing test:

- The benefit cannot be achieved by other means feasible to the applicant. There is no other appropriate location to locate the addition given the configuration of the house.
- There will be no undesirable change in neighborhood character or to nearby properties. This is well placed along the house and will not place any structure closer to the road than what already exists.
- The request is somewhat substantial.
- There will be no adverse physical or environmental effects.
- The alleged difficulty is not self-created; this house was built before current zoning regulations were in effect. Using the balancing test, the benefit to the applicant exceeds any detriment to the health, safety and welfare of the community.

Seconded by Stephen Shelley. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg; **Absent:** Dean Snyder).

In regards to the accessory structure, John Gebbie explained he is looking at placing a shed closer to the house because the current barn is full. The barn is used to store his construction equipment (ex. 3 bobcats, an excavator and dump trucks). This also holds a motor home so it is not sitting out in the elements. The shed would make it possible to store gardening tools, patio furniture and kids toys. There is a two car garage on the property but they added a basement entrance into the house and only 1 car fits in there. Chairperson Robillard asked if there are any existing sheds. Mr. Gebbie stated there are not and that he will comply with all setback requirements. Tim Thomas feels that this has the perception of being two parcels. This property is 13 acres and the total square footage of the shed will be 12x16.

Board Discussion: Dennis Scibetta reported that notifications were in order, there are no letters in the file, the request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required.

Public Comment: None

Public Hearing Closed.

A **Motion** was made by Tim Thomas to **approve** the application of the John Gebbie, owner, for an area variance at 107 Bailey Road. The applicant is requesting relief from Town Zoning Article V, subsection 165.31.C.2 which limits the total of all accessory structures to no more than 2,000 square feet. The applicant currently has a 2,400 square foot accessory structure and proposes building a 192 square foot accessory building. This property is currently zoned Agricultural/Conservation (AC).

In making the motion to approve the 12x16 accessory structure:

- The benefit cannot be achieved by other means feasible to the applicant. The applicant stated that the intent for this accessory structure is for personal use for traditional storage of toys, bikes, lawn furniture and other items used to maintain the home.
- There will be no undesirable change in neighborhood character or to nearby properties. The parcel of land is over 12 acres and the 2400 accessory structure sits over 800 feet from the house and to passersby actually looks like it is two different parcels.
- The request is somewhat substantial. Our code does limit to accessory structure to 2000 square feet.
- There will be no adverse physical or environmental effects.
- The alleged difficulty is self-created, however; using the balancing test, the benefit to the applicant exceeds any detriment to the health, safety and welfare of the community.

Seconded by Stephen Shelley. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg; **Absent:** Dean Snyder).

3. CRAIG BRYCE – 645 MANITOU ROAD

The application of Craig Bryce, owner, for an area variance at 645 Manitou Road. The applicant seeking relief from Town Zoning Article V, subsection 165-34.C.2, which limits the total building area of accessory buildings to not exceed 400 square feet. The total square footage of this building is 432 square feet. The total square footage of accessory structures is currently 2,832 square feet. This property is currently zoned High Density Residential (HD).

Craig Bryce, owner, explained that the building is already up. He is a contractor and has a hobby of rehabbing houses. He recently rehabbed a property on Parma Center Road which left him with left over materials. He stores his tools and materials at this property on Manitou Road. While he was away on vacation, his contractor built this addition on to the back of the garage without filing for a permit. When he returned he came to the Town and applied for a building permit and found out he needed a variance. While the square footage has doubled this is not a continual building because there is a wall between the garage and the addition. Chairperson Robillard let him know that the Board has to treat this as if it is not there. There is a special permit attached to this property for outside storage for 8 pieces of construction equipment, this special permit has been in effect for 29 years. Tim Thomas asked why this is High Density. Art Fritz explained that it is because of the proximity to the sewer. Stephen Shelley felt that this might be pre-existing

non-conforming. The property is almost four acres and this building sits 300 feet from the road, the house on the property is rented by the same person who rents the concrete building. Tim Thomas asked what the purpose of this building was. Mr. Bryce explained it would store tools and materials for personal use. There is an antique wooden boat in the existing garage.

Tim Thomas stated that he is struggling with this because it is a High Density district and usually the Board looks for the applicant to establish a need with a layout and dimensions not just verbally. He is worried about setting a precedent. He would like to have more information and dimensions before deciding this. Stephen Shelley feels that that more information is needed and it would be helpful to know who is using which building. Approving this would make the total square footage of the accessory buildings 3,264. Art Fritz stated that the other buildings were completed before the ordinance. Tim Thomas felt that this should be tabled so the applicant can demonstrate the need of this additional square footage. The Board discussed with the applicant what he would need to move forward, they would like a sketch showing what will be in the new building and what is being stored in the existing buildings.

Board Discussion: Dennis Scibetta reported that notifications were in order, there are no letters in the file, the request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required.

Public Comment: None

Public Hearing Closed.

A **Motion** was made by Tim Thomas to **table** the application of Craig Bryce, owner, for an area variance at 645 Manitou Road to the January 2015 Zoning Board meeting without prejudice to afford the applicant the opportunity to provide the Board with some documentation, whether that be photographic images, sketches, layouts of how the equipment, the storage, and work areas will be laid out in both the new building and the existing buildings so that the Board has some sense of space and arrangement that will help to see the need for the additional requested 432 square feet.

Seconded by Stephen Shelley. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg; **Absent:** Dean Snyder).

MINUTES OF OCTOBER 16, 2014

The ZBOA minutes of October 16, 2014 were reviewed a **Motion** was made by Jim Zollweg to **approve** the October 16, 2014 as presented. **Seconded** by Dan Melville. **Motion carried (4-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Jim Zollweg; **Abstain:** Tim Thomas; **Absent:** Dean Snyder).

OTHER BUSINESS

Dennis Scibetta reported on the GIS meeting that took place. He said that it was a very informative meeting and that there will be follow up meetings as the Town begins to use this more. Kyle Mullen went to the Monroe County website and showed the Board how this can be accessed and there was discussion about the benefits, features and ways to use it.

ADJOURNMENT

There being no further business, a **Motion** was made by Tim Thomas, seconded by Jim Zollweg to adjourn the meeting at 8:15 p.m. **Motion carried (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg; **Absent:** Dean Snyder).

Respectfully submitted,

Carrie Webster, Recording Secretary