

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
May 2, 2023**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday May 2, 2023, at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY.

Joe Burns, Vice-Chairman, called the meeting to order at 7:50 P.M and roll was taken.

Board Members

Present: Joe Burns, Laura Michaels, Tim Steves, Kane Gascon,
Robert Hatch

Absent: Mike Grasso

Others Present:

Mr. & Mrs. Cook, Property Owner
Brandi Spezzano, Property Owner
Terry Rech, Building Inspector
Ed Shero, Town Board Member
Ray DiRaddo, Town Attorney

First order of Business:

Vice-Chairman Burns asked for a motion to accept the Minutes from the March 7, 2023, meeting. The meeting minutes were approved as submitted. Laura Michaels made such a motion; Tim Steves seconded the motion. The vote was as follows:

Laura Michaels -	Aye
Robert Hatch -	Abstain
Joe Burns -	Aye
Tim Steves -	Aye
Kane Gascon -	Aye

With all other present members voting in favor, the motion was carried.

Second Order of Business:

The application of Carol & Dave Cook, to seek an area variance of Section 130-11 of the Code of the Town of Wheatland to allow a rear addition to encroach the required 35' setback in an R-16 zoning district. The property address is 21 Fairview Rd, Scottsville, 14546. The Tax ID# is 187.03-1-27.1.

Mr. & Mrs. Cook are seeking an area variance to allow the issuance of a Building Permit for a rear addition to encroach the required 35' setback. They would like to build a new kitchen, connecting it to the existing house and will end at the back of the garage. The garage is set back 20' from the property line and they would like to match the addition to the existing setback. Mrs. Cook explained this is the only area they can do this because of the current location of the kitchen. They have septic and a leach field in the backyard which they need to avoid. She stated that the addition will be an improvement to the house and the neighborhood, increasing the property value.

With no further questions from the Board the floor was opened for public comment at 7:55 P.M.

There being no public before the board, public comment was closed at 7:56 P.M.

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Terry Rech, Building Inspector, stated that the rear of the addition is in the back and will not encroach any further than the existing garage. This does not have any impact on any of the neighbors.

The Board members considered and discussed the details and effects of the requested variance.

The Town of Wheatland Zoning Board of Appeals as authorized under Wheatland Town Code Section 130-66, after careful consideration and review of the evidence presented and having heard all the facts hereby, approves as requested the application of Carol and Dave Cook. This motion was based upon the following finding of facts:

- 1) The granting of this area variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties, demonstrated by: it fits into the existing structure on back of the house, matching the existing setback. This will increase the property value.
- 2) The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance, as shown by: location for kitchen attachment to existing structure is best where shown due to house layout.
- 3) The requested area variance is substantial as evidenced by: 43% reduction in rear setback, however it will match the existing garage setback.
- 4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district as shown by: addition will be on back of house, mostly hidden by existing house and garage. Will fit into the character of the neighborhood and match the house in appearance.
- 5) And that the condition has not been self-created, as shown by: existing garage is at 20-foot setback now and new addition will match it. Built prior to zoning.

Motion to approve the variance was made by Robert Hatch and seconded by Kane Gascon. The vote was as follows:

Tim Steves	-	Aye
Robert Hatch	-	Aye
Laura Michaels	-	Aye
Joe Burns	-	Aye
Cane Gascon	-	Aye

All were in favor and the motion was carried.

Third Order of Business:

The application of Brandi Spezzano to seek an area variance of Article II, Sections 130-9, 130-11 and 130-23.B. of the Code of the Town of Wheatland, to build an accessory structure to encroach the required front and side setbacks in an R-16 zoning district. The subject parcel is 702 State Street Mumford, NY 14511. Tax I.D. #208.12-1-42.

Ms. Spezzano is seeking an area variance to allow her to place an accessory structure in the front side yard of her property. She needs storage and would like to improve the look and value of her home. This shed would allow her to de-clutter her yard and properly store her outdoor equipment. The look of the structure would remain the same as the house, a nicely built Amish structure, the same color as the house. Ms. Spezzano stated that this is the only location to place this structure due to leach lines and septic tank locations. She stated that if there was a location to put it without having to seek a variance she would have done so. She has proposed two options to the Board. One being off the driveway (Option 1) and the other set closer to the side yard (Option 2). Ms. Spezzano stated of the two options she would prefer Option 1.

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Let the record show that at 8:15pm Board Member, Laura Michaels left the meeting. She did state prior to leaving she was in favor of granting the variance.

Vice-Chairman Burns asked Building Inspector, Terry Rech his thoughts on this request. Terry stated that he tried his best to find another option but looking at the immediate neighborhood this structure would not look out of place where the applicant is requesting to put it. She is limited by physical constraints in the rear yard so he stated he will leave it in the board's hands.

With no further questions from the Board the floor was opened for public comment at 8:20 P.M.

There being no public before the board, public comment was closed at 8:23 P.M.

The Board members considered and discussed the details and effects of the requested variance.

The Town of Wheatland Zoning Board of Appeals as authorized under Wheatland Town Code Section 130-66, after careful consideration and review of the evidence presented and having heard all the facts hereby, approves as requested Option 1 of the application of Brandi Spezzano. This motion was based upon the following finding of facts:

- 1.) The granting of this area variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties, demonstrated by: most houses on State Street in this area are close to the road. The neighbor to the east is closer. The house to the west is about the same. Applicant wants to store items out of site, de-clutter yard.
- 2.) The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance, as shown by: This is a very small odd, shaped lot. The septic system is in the back of the house.
- 3.) The requested area variance is substantial as evidenced by: 50% on front set back.
- 4.) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district as shown by: Purpose is to store yard equipment out of site and under cover.
- 5.) And that the condition has not been self-created, as shown by: Small odd, shaped lots that have existed before zoning.

Motion to approve the variance was made by Robert Hatch and seconded by Tim Steves. The vote was as follows:

Tim Steves	-	Aye
Robert Hatch	-	Aye
Joe Burns	-	Aye
Cane Gascon	-	Aye

All were in favor and the motion was carried.

There being no further business, Tim Steves entertained a motion to adjourn. Robert Hatch seconded the motion. The vote was unanimous. The meeting was adjourned at 8:35 P.M.

Respectfully submitted,

Lisa J. Bates

Lisa J. Bates
Recording Secretary