

**Meeting Minutes
Town of Wheatland
Zoning Board of Appeals
October 4, 2022**

The Zoning Board of Appeals of the Town of Wheatland held a meeting on Tuesday October 4, 2022, at 7:00 P.M. in the Wheatland Municipal Building, 22 Main Street, Scottsville, NY.

Mike Grasso, Chairman, called the meeting to order at 7:05 P.M and roll was taken.

Board Members

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

Absent:

Others Present:

Curtis W. Fitts, Property Owner
Terry Rech, Building Inspector
Ed Shero, Town Board Member

First order of Business:

Chairman Grasso asked for a motion to accept the Minutes from the September 6, 2022, meeting. The meeting minutes were approved as submitted. Joe Burns made such a motion; Tim Steves seconded the motion. The vote was as follows:

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

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

Second Order of Business:

The application of Curtis W. Fitts to seek an area variance of Sections 130-9., and 130-12 of the Code of the Town of Wheatland, to construct a covered entryway encroaching the required front setback in a Highway Commercial Zoning District. The subject parcel is 1792 Scottsville Mumford Road, Scottsville, NY. Tax I.D. #198.04-1-5.

Mr. Fitts is seeking an area variance to allow construction of an enclosed entryway encroaching the required front set back in a Highway Commercial Zoning District. The condition is the porch cannot meet the 70' front set back requirement. The entry way is unsafe, the steps are crumbling, and they are extremely slick when iced or snowed over. He would like to construct a 6' x 8' covered / enclosed side entryway. Mr. Fitts explained that the steps are in various stages of delamination and have already caused personal injury. This is the best option that he has come up with. Due to the Highway Commercial Zoning setbacks this is the only option for him to improve his home. He does not see any effect on the neighborhood, this space is already used as an entrance.

Terry Rech, Building Inspector, stated he would like to make a note that the character of the neighborhood will not be changed, all the structures in that area are set close to the road and with the entrance on the side, he would guess that no one would notice any change.

2 | Town of Wheatland Zoning Board of Appeals

With no further questions from the Board the floor was opened for public comment at 7:18 P.M.

There being no public before the board, public comment was closed at 7:20 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 with conditions the application of Curtis W. Fitts. 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: a small structure attached to the side of a house, which is substantially the same as the immediate neighborhood.
- 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: any other means to improve and make the entrance safer would be prohibitively expensive.
- 3) The requested area variance is substantial as evidenced by: the requested relief is at least 50% of minimum required 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: small structure added to existing house, almost in same footprint as existing porch/steps.
- 5) And that the condition has not been self-created, as shown by: location of the house has remained the same through (2) changes in the zoning code – each more restrictive than the last.

Further that this variance is subject to the following condition: the enclosure be built as nearly as possible to the footprint of the existing porch.

Motion to approve the variance was made by Joe Burns and seconded by Laura Michaels. The vote was as follows:

Tim Steves	-	Aye
Robert Hatch	-	Aye
Laura Michaels	-	Aye
Joe Burns	-	Aye
Mike Grasso	-	Aye

All were in favor and the motion was carried.

There being no further business, Laura Michaels entertained a motion to adjourn. Robert Hatch seconded the motion. The vote was unanimous. The meeting was adjourned at 7:37 P.M.

Respectfully submitted,

Lisa J. Bates

Lisa J. Bates
Recording Secretary