

HAMLIN ZONING BOARD OF APPEALS MINUTES
Monday, September 19, 2022
7:00 P.M.

The regular scheduled meeting of the Hamlin Zoning Board of Appeals was held at the Hamlin Town Hall located at 1658 Lake Road, Hamlin and was called to order by Chairperson Norman Baase at 7:00 p.m. with the location of the fire exits and AED explained for those present. It was asked that all cell phones and pagers be turned off for the duration of the meeting.

Roll call: Norman Baase, Rocky Ellsworth, Ed Haight, Carl Rath, Jonathan Vogler.

Present: Zoning Board Attorney, Maureen Werner, Victor Burroughs, Bob Kaiser, Jesse Cross, Michael Bassett, Nathan & Amy Smith, Bradley Ryan, Dave Matt of Schultz Assoc.

Approval of the August 15, 2022 meeting minutes. Additions, deletion, or corrections to tonight's meeting. A motion was made by Carl Rath, seconded by Ed Haight, to approve the meeting minutes of August 15, 2022 as recorded. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

The clerk showed the Public Hearing notice to those present.

PUBLIC HEARING

AREA VARIANCE APPLICATION

BURROUGHS – KAISER SUBDIVISION
1067 & 1095 HAMLIN PARMA TOWN LINE ROAD

Application of Victor & Tiffany Burroughs, owners, Victor & Tiffany Burroughs, seeking area variance to construct 2 non-agricultural storage barn/detached garages for residential use where storage barns are not specifically allowed in the commercial neighborhood business zoning district. This is in the C-NB Zoning District. Tax account# 023.010-01-010. 2.

Victor Burroughs represented himself before the board. He is proposing to add 2 non-agricultural pole barns to the property before the house is built. He will use them to place lawn equipment, 4 wheelers, boats, kid's toys, etc. out of the way. They will not be seen by the road.

Chairperson Norman Baase opened the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name and address.

There was no one wishing to speak.

Chairperson Norman Baase closed the Public Hearing.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment of health, safety, and welfare of the neighborhood or community by such grant. The Statute provides that in balancing the interests of the applicant and those of the neighborhood or community, the Zoning Board of Appeals must consider the following five (5) factors:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance. Board members commented no.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than an Area Variance. Board members commented no.
3. Whether the requested area variance is substantial. The Board members commented no.

4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood district. Board members commented no.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. Board members commented yes.

There were no negative comments from the board.

A motion was made by Ed Haight, seconded by, Rocky Ellsworth, to grant the variance for the Application of Victor & Tiffany Burroughs, owners, Victor & Tiffany Burroughs, seeking area variance to construct 2 non-agricultural storage barns for residential use where storage barns are not specifically allowed in the commercial neighborhood business zoning district. To include 1 of the barns may be in front of the main front foundation line. This is in the commercial neighborhood zoning district. Tax account# 023.010-01-010.2. There were no negative comments from those present. The 5 criteria were discussed. This is the minimum variance allowed. This is a Type II Action Under SEQR. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

PUBLIC HEARING
AREA VARIANCES

JESSE CROSS

2136 BRICK SCHOOLHOUSE ROAD

Application of Jesse Cross, owner, Jesse Cross, seeking relief from Town Code§520-31 to have more than three accessory structures on the property. There are 5 accessory structures now on the property with the proposal to add one more. Also, seeking relief from Town Code§ (Chapter) 454 to have campers placed on the property for a camping area. The code states only one camper may be placed on the property with a permit. No campers on the property can be used for sleeping or living purposes. This is in the R-VL Zoning District. Tax account# 014.04-2-17.1.

Jesse Cross represented himself before the board. He is proposing to add a 10' x 12' shed to the property. There are already 5 accessory structures on the property that are per-existing. He will remove the existing chicken coop. There will still be 5 structures on the property.

Chairperson Norman Baase opened the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name and address.

There was no one wishing to speak.

Chairperson Norman Baase closed the Public Hearing.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment of health, safety, and welfare of the neighborhood or community by such grant. The Statute provides that in balancing the interests of the applicant and those of the neighborhood or community, the Zoning Board of Appeals must consider the following five (5) factors:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance. Board members commented no.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than an Area Variance. Board members commented no.
3. Whether the requested area variance is substantial. The Board members commented no.
4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood district. Board members commented no.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. Board members commented yes.

There were no negative comments from the board for the number of accessory structures.

A motion was made by Carl Rath, seconded by Rocky Ellsworth, to grant the portion of the Application of Jesse Cross, owner, Jesse Cross, seeking relief from Town Code§520-31 to have more than three accessory structures on the property. There are 5 accessory structures now on the property with the proposal to add one more. This is in the R-VL zoning district. Tax account# 014.04-2-17.1. This is a Type II Action Under SEQR. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

Also, seeking relief from Town Code§ (Chapter) 454 to have campers placed on the property for a camping area. The code states only one camper may be placed on the property with a permit. No campers on the property can be used for sleeping or living purposes. This is in the R-VL Zoning District. Tax account# 014.04-2-17.1.

Jesse Cross represented himself before the board. He and his wife have friends that live in Buffalo and they would like them to be able to park their camper on the Cross's property and occupy, live, and sleep for the weekends in the camper. Campers may only be used for these purposes in a house trailer park or a tourist camp.

Chairperson Norman Baase opened the Public Hearing.

It was asked that anyone wishing to speak to please stand and state their name and address.

Michael Bassett of 697 Wiler Road stated that he was in favor of the use.

Chairperson Norman Baase closed the Public Hearing.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment of health, safety, and welfare of the neighborhood or community by such grant. The Statute provides that in balancing the interests of the applicant and those of the neighborhood or community, the Zoning Board of Appeals must consider the following four (4) factors:

1. Under the applicable zoning regulation, the applicant cannot realize a reasonable return and the lack of the return is substantial as demonstrated by competent financial evidence. Board members commented no.
2. The hardship is unique and does not apply to a substantial portion of the district or neighborhood. Board members commented no.
3. The use variance will not alter the essential character of the neighborhood. The Board members commented yes.
4. The alleged hardship is not self-created. Board members commented yes.

Chairperson Norman Baase added that the board has had pressure to use campers to live and/or sleep in.

A motion was made by Ed Haight, seconded by Rocky Ellsworth, to deny this portion of the application, Also, seeking relief from Town Code§ (Chapter) 454 to have campers placed on the property for a camping area. The code states only one camper may be placed on the property with a permit. No campers on the property can be used for sleeping or living purposes. This is in the R-VL Zoning District. Tax account# 014.04-2-17.1. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried. All members voted to deny the use application.

AGENDA

AREA VARIANCE

**MICHAEL BASSETT
697 WILER ROAD**

Application of Michael Bassett, owner, Michael Bassett, seeking relief from Town Code§520-41B(1)[2][a][iii] to have 4 goats on his property located at 697 Wiler Road where the code states that 5 acres are required for 4 goats. Tax account# 029.02-2-7. This is in the R-L Zoning District.

Michael Bassett represented himself before the board. He has a friend that has goats but would like to cut down on the number of goats he has. Michael wishes to take 4 of the goats to add to his property. He has 2 daughters that would take care of them. They will be in a fenced area in the rear yard. He has 4.53 acres.

A motion was made by Ed Haight, seconded by Rocky Ellsworth, to schedule a Public Hearing on October 17, 2022 after 7:00pm for the Application of Michael Bassett, owner, Michael Bassett, seeking relief from Town Code §520-41B(1)[2][a][iii] to have 4 goats on his property located at 697 Wiler Road where the code states that 5 acres are required for 4 goats. He has 4.53 acres. Tax account# 029.02-2-7. This is in the R-L Zoning District. The board will conduct a site visit of the location on October 15, 2022 after 10:30am. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

AGENDA

AREA VARIANCES

NATHAN & AMY SMITH 6984 BENEDICT BEACH ROAD

Application of Nathan & Amy Smith, owners, Nathan & Amy Smith, seeking relief from §520-21B(2)(a) in order to construct an outbuilding in the S/R zoning district where it is not a specified accessory structure. Also, relief from Town Code 520-27C in order to construct a 30' x 50' outbuilding in front of the main foundation line of the principal dwelling on the lot. Tax account# 007.01-1-21. This is in the S/R zone and LWRP.

Nathan Smith represented himself before the board. He is seeking relief to add a pole barn to his back yard. He would like a place to store items inside.

A motion was made by Carl Rath, seconded by Ed Haight, to schedule a Public Hearing on October 17, 2022 after 7:00pm for the Application of Nathan & Amy Smith, owners, Nathan & Amy Smith, seeking relief from §520-21B(2)(a) in order to construct an outbuilding in the S/R zoning district where it is not a specified accessory structure. Also, relief from Town Code 520-27C in order to construct a 30' x 50' outbuilding in front of the main foundation line of the principal dwelling on the lot. Tax account# 007.01-1-21. This is in the S/R zone and LWRP. The board will conduct a site visit of the location on October 15, 2022 after 10:30am. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

AGENDA

AREA VARIANCE

BRADLEY & MARTHA RYAN 48 KENDALL MILLS ROAD

Application of Bradley & Martha Ryan, owners, Bradley & Martha Ryan, seeking relief from Town Code §520-31A which states two sheds or similar accessory structures are allowed in the R-L Zoning District. A third (Gazebo) structure is proposed. Tax account# 019.04-2-10. This is in the R-L Zoning District.

Bradley Ryan represented himself before the board. He is proposing to add a third accessory structure (Gazebo) to his property. He and his wife would like the screened gazebo to enjoy sitting outside.

A motion was made by Rocky Ellsworth, seconded by, Carl Rath, to schedule a Public Hearing on October 17, 2022 after 7:00pm for the Application of Bradley & Martha Ryan, owners, Bradley & Martha Ryan, seeking relief from Town Code §520-31A which states two sheds or similar accessory structures are allowed in the R-L Zoning District. A third (Gazebo) structure is proposed. Tax account# 019.04-2-10. This is in the R-L Zoning District. The board will conduct a site visit of the location on October 15, 2022 after 10:30am. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried.

DISCUSSION

There was no discussion.

ADJOURNMENT

A motion was made by Ed Haight, seconded by Carl Rath, to adjourn tonight's meeting barring no further business. Members polled: Norman Baase aye, Rocky Ellsworth aye, Ed Haight aye, Carl Rath aye, Jonathan Vogler aye. Motion carried

Minutes respectfully submitted by,

Cheryl J. Pacelli
Clerk to the Zoning Board of Appeals

The next scheduled meeting of the Hamlin Zoning Board of Appeals will be held on Monday, October 17, 2022 at the Hamlin Town Hall located at 1658 Lake Road, Hamlin. The deadline for all applications and fees is October 4, 2022 at 12 noon.

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