

ZONING BOARD OF APPEALS MINUTES AND DECISION GRID

June 26, 2024

Case	Address	Record of Vote	Decision
1) To legalize a driveway expansion where the driveway is more than 2' wider than the garage door to which it leads.	14 Fireside Lane	5-0-0*	Approved
2) To construct a detached accessory structure (garage), not meeting certain lot, yard, and bulk requirements.	8 Durant Place	5-0-0*	Approved on Condition
3) To construct a detached accessory structure (garage) not meeting certain lot, yard, and bulk requirements and to extend an existing driveway that is not 10' setback from the property line.	34 East Avenue	4-0-0**	Approved

Attendance:

Zoning Board Members Present: J. Meuwissen, A, Stuckey, D. Dovidio, J. Beckman, P. Sparkes*

Zoning Board Members Absent: M. Fortner

*Alternate Member P. Sparkes served as a Board Member

**Member A. Stuckey left the hearing and did not participate in deliberations

Staff Present: J. Wiedrick

Minutes

A motion to approve the minutes of the February 28, 2024 meeting was approved by a vote of 5-0-0. A motion was made by Phillip Sparkes and seconded by Justin Beckman.

Public Hearing(s):

Case: 1
Case Type: Area Variance
Address: 14 ½ Fireside Lane
Zoning District: R-B Residential District
Applicant: Lauren Dunkle and Benjamin Dlugosh
Request: To legalize a driveway expansion where the driveway is more than 2' wider than the garage door to which it leads.
Code Section: 550-50
SEQR: Type II - no further review

The legal notice appeared in the Democrat and Chronicle on June 15, 2024.

The application was not required to be reviewed by the Monroe County Department of Planning and Development under GML 239-m.

The subject property is legal as a two-family home. The existing driveway is currently approximately 24' wide. The driveway was expanded approximately 5' to the east. As a result, the driveway is more than 2' wider than the garage door to which it leads.

Area Variance Determination of the Village of Fairport Zoning Board of Appeals

WHEREAS, regarding Application No(s). **1 – 14 Fireside Lane** for an Area Variance, the Zoning Board 1) duly advertised and held a public hearing, 2) considered all relevant information, and 3) has considered the potential benefit to the applicant versus the potential detriment to the neighborhood or community in relation to such Variance(s); and

WHEREAS, the Zoning Board of Appeals makes the following findings of fact:

1. The Variance(s) WILL NOT result in an Undesirable Change to the **Character of the Neighborhood** or a Detriment to Nearby Properties:

The Zoning Board of Appeals determined that the neighborhood was defined as Fireside Lane and Homestead Drive

The Zoning Board of Appeals concluded that the legalization of the driveway expansion would not result in an undesirable change to the character of the neighborhood or be a detriment to nearby properties. The Zoning Board of Appeals noted that there are several examples of this sort of expansion in the neighborhood, as well as nearby properties.

2. The Variance(s) CANNOT be achieved by some other, feasible **Alternative**:

The Zoning Board of Appeals concluded that there was no feasible alternative other than to expand the driveway in order to fit five vehicles in the driveway. As discussed during the hearing, the structure is a two family home and a few of the residents are employed in professions that require response to emergency situations.

3. The Variance(s) requested IS NOT **Substantial**:

The Zoning Board of Appeals determined that the variance requested was mathematically substantial, but relative to the size of the lot the requested legalization of the driveway expansion was not substantial.

4. The Variance(s) WILL NOT have a negative effect on **Physical or Environmental Conditions**:

Based on the submitted drawings, the Zoning Board of Appeals does not foresee a negative effect on physical or environmental conditions. The Zoning Board of Appeals noted that the expansion of the driveway allowed for vehicles to be located off of the street and as detailed by the applicants, created a safer situation for children waiting at the bus stop located near the applicants' home.

5. The difficulty relating to the Variance(s) WAS **Self-Created**:

The difficulty was self-created as the work was completed without a permit and the Code does not permit the expansion of the driveway.

NOW, THEREFORE, IT IS RESOLVED, that, based upon the above findings, the Zoning Board of Appeals APPROVES the Area Variance.

Record of Vote:

J. Beckman

Approve

D. Dovideo	Approve
M. Fortner	Absent
J. Meuwissen	Approve
A. Stuckey	Approve
P. Sparkes	Approve

This decision was based on the following testimony and evidence:

Supporting Testimony:

Lauren Dunkle
Benjamin Dlugosh

Opposing Testimony:

None

Evidence:

Staff Report
Variance Application
Survey Map
Survey Map Showing Expanded Driveway
Exterior Photographs of Property
Photograph of Neighboring Property
Pictometry Image
Email of Support from Kelly McDermott Strobel, dated May 31, 2024
Email of Support from Carly Peters, dated June 1, 2024
Email of Support from Emily Peterson Foley, dated June 4, 2024
Email of Support from Bryan R. Williams, dated June 6, 2024
Email of Support from Benjamin W. Owens, dated June 11, 2024
Email of Support from Amber Kates and James Robbins, dated June 12, 2024
Email of Support from Robert D. Jones, dated June 23, 2024
Email of Support from Karen Miller, dated June 26, 2024

Case:	2
Case Type:	Area Variance
Address:	8 Durant Place
Zoning District:	R-E Residential District
Applicant:	Michael Loria
Request:	To construct a detached accessory structure (garage), not meeting certain lot, yard, and bulk requirements.
Code Section:	550 Attachment 1, 550 Attachment 2, 550-49
SEQR:	Type II - no further review

The legal notice appeared in the Democrat and Chronicle on June 15, 2024.

The application was not required to be reviewed by the Monroe County Department of Planning and Development under GML 239-m.

The subject property is legal as a single-family home. The applicant proposes to construct a detached accessory structure (garage) in approximately the same location as the existing concrete pad. Please note, that a detached accessory structure (garage) was previously in this location. The proposed detached accessory structure will be 20' x 20'.

Side Yard Setback

Rear Yard Setback

Required: 5 feet
Proposed: .75 feet

Required: 5 feet
Proposed: .75 feet

Area Variance Determination of the Village of Fairport Zoning Board of Appeals

WHEREAS, regarding Application No(s). **2 – 8 Durant Place** for an Area Variance, the Zoning Board 1) duly advertised and held a public hearing, 2) considered all relevant information, and 3) has considered the potential benefit to the applicant versus the potential detriment to the neighborhood or community in relation to such Variance(s); and

WHEREAS, the Zoning Board of Appeals makes the following findings of fact:

1. The Variance(s) WILL NOT result in an Undesirable Change to the **Character of the Neighborhood** or a Detriment to Nearby Properties:

The neighborhood is defined as Durant Place and the three properties on High Street to the east and west of Durant Place, along with the properties on High Street that directly face Durant Place.

The Zoning Board of Appeals determined that as proposed, the placement of the 20' x 20' garage would pose a detriment and undesirable change to nearby properties. Board members expressed concern that if the garage was located within 8 inches of the north and west property lines that maintenance issues for both the garage and the fences would likely results. As a result, the Zoning Board of Appeals conditioned the approval so that the 20' x 20' accessory structure (garage) be located a minimum of 3' from the west property line and a minimum of 4' from the north property line.

2. The Variance(s) CAN be achieved by some other, feasible **Alternative**:

The Zoning Board of Appeals determined that there were no other feasible alternatives to the location of the garage, as the lot is smaller than many within the Village and is also a unique shape. Board members noted that the parcel was created well before the current zoning code and that the parcel size is out of date with modern expectations of property owners.

3. The Variance(s) requested IS **Substantial**:

The Zoning Board of Appeals concluded that the variance request is substantial and as a result, conditioned the approval so that the 20' x 20' accessory structure (garage) be located a minimum of 3' from the west property line and a minimum of 4' from the north property line.

4. The Variance(s) WILL NOT have a negative effect on **Physical or Environmental Conditions**:

The Zoning Board of Appeals noted that the condition placed on the approval would limit the physical or environmental impacts that the construction of a 20' x 20' garage would have. By requiring that the garage be located a minimum of 3' from the west property line and a minimum of 4' from the north property line, this will allow for maintenance of the fence and garage, while at the same time allowing for water to be directed around the building and not onto neighboring properties.

5. The difficulty relating to the Variance(s) WAS **Self-Created**:

The difficulty was self-created, however, the Zoning Board of Appeals noted that the parcel lines were drawn well before the creation of the current zoning code and as a result, it is virtually impossible to place a garage on the parcel.

NOW, THEREFORE, IT IS RESOLVED, that, based upon the above findings, the Zoning Board of Appeals **APPROVES ON CONDITION** the Area Variance.

Condition – the 20’ x 20’ accessory structure (garage) be located a minimum of 3’ from the west property line and a minimum of 4’ from the north property line.

Record of Vote:

J. Beckman	Approve on Condition
D. Dovidio	Approve on Condition (Motion)
M. Fortner	Absent
J. Meuwissen	Approve on Condition
A. Stuckey	Approve on Condition (Second)
P. Sparkes	Approve on Condition

This decision was based on the following testimony and evidence:

Supporting Testimony:

Michael Loria

Opposing Testimony:

None

Evidence:

Staff Report
Variance Application
Garage Addition Materials and Installation Document
Survey Map
Drawings for Proposed Garage
Photographs of Site
Google Image
Pictometry Image

Case:	3
Case Type:	Area Variance
Address:	42 East Avenue
Zoning District:	R-E Residential District
Applicant:	Rachel Stuckey
Request:	To construct a detached accessory structure (garage) not meeting certain lot, yard, and bulk requirements and to extend an existing driveway that is not 10’ setback from the property line.
Code Section:	550 Attachment 1, 550-49
SEQR:	Type II - no further review

The legal notice appeared in the Democrat and Chronicle on June 15, 2024.

The application was not required to be reviewed by the Monroe County Department of Planning and Development under GML 239-m.

The subject property is legal as a single-family home. The applicant proposes to construct a detached accessory structure (garage). The proposed detached accessory structure will be 24.3’ x 30.3’.

Height

Required: 15 feet

Proposed: 16.75 feet

Section 550-49A.4 requires that a 10' setback exist from any street or property line, excepting the street or property line at the terminus of the driveway. The applicant has proposed to extend the existing driveway which has a setback of .3 feet (area variance required).

Area Variance Determination of the Village of Fairport Zoning Board of Appeals

WHEREAS, regarding Application No(s). **3 – 34 East Avenue** for an Area Variance, the Zoning Board 1) duly advertised and held a public hearing, 2) considered all relevant information, and 3) has considered the potential benefit to the applicant versus the potential detriment to the neighborhood or community in relation to such Variance(s); and

WHEREAS, the Zoning Board of Appeals makes the following findings of fact:

1. The Variance(s) WILL NOT result in an Undesirable Change to the **Character of the Neighborhood** or a Detriment to Nearby Properties:

The neighborhood is defined as East Avenue, Hart Street, Frank Street, and East Street between High Street and Frank Street.

The proposed detached accessory structure (garage) will not result in an undesirable change to the character of the neighborhood or a detriment to nearby properties. It was determined by the Zoning Board of Appeals that the proposal, has been designed to be in character with the historical property. The Board noted that the applicant considered the amount of green space that would remain when considering whether or not to build a taller garage or one that occupied more of the property. The Zoning Board of Appeals also found that as this property is a gateway into the neighborhood, the design mitigates an negative impacts.

2. The Variance(s) CAN be achieved by some other, feasible **Alternative**:

The Zoning Board of Appeals determined that there may be other feasible alternatives, however, the proposal considers a balancing of the desire for a certain size and function of a detached accessory structure (garage) and preservation of green space. The Zoning Board of Appeals noted that this was indeed a trade-off and understood the decision to proposal a taller garage to allow for more green space.

3. The Variance(s) requested IS NOT **Substantial**:

The Zoning Board of Appeals concluded that the variance request for the proposed detached accessory structure (garage) is not substantial. The Board determined that the extension of the driveway is substantial, as the expectation is that driveways will be a minimum of 10' from the property line and the extension of the driveway expands the nonconforming driveway that lies only 3' from the property line. However, the Zoning Board of Appeals reasoned that as the driveway was existing, and had been in this location for a very long time, it was acceptable to extend the driveway to the proposal garage.

4. The Variance(s) WILL NOT have a negative effect on **Physical or Environmental Conditions**:

Based on the submitted drawings, the Zoning Board of Appeals does not foresee a negative effect on physical or environmental conditions and concluded that the proposed detached accessory structure (garage) and the extension of the existing nonconforming driveway would not have a negative impact on physical or environmental conditions.

5. The difficulty relating to the Variance(s) WAS **Self-Created**:

The difficulty was self-created, however, the Zoning Board of Appeals noted that the applicant considered means to construct the garage and the driveway so that both were Code compliant. The Zoning Board of Appeals determined that the benefits of the proposed garage and driveway outweighed the impacts.

NOW, THEREFORE, IT IS RESOLVED, that, based upon the above findings, the Zoning Board of Appeals **APPROVES** the Area Variance.

Record of Vote:

J. Beckman	Approve
D. Dovidio	Approve (Second)
M. Fortner	Absent
J. Meuwissen	Approve (Motion)
A. Stuckey	Absent
P. Sparkes	Approve

This decision was based on the following testimony and evidence:

Supporting Testimony:

Rachel Stuckey

Opposing Testimony:

None

Evidence:

Staff Report
Variance Application
Proposed Garage Drawings, dated March 25, 2024
Proposed Garage Elevations, dated March 25, 2024
Construction Notes
Survey Map
Survey Map Showing Proposed Garage and Driveway
Lot Coverage Calculations
Construction Drawings for Proposed Garage Addition
Photographs of Existing Garage
Photographs of Neighboring Properties with Similar Garages to the Proposed Garage
Pictometry Image

MEETING DATE:

The next regularly scheduled meeting is July 24, 2024, at 6:00pm.

ADJOURNMENT:

There being no other business, the meeting was adjourned.

Respectfully Submitted,

Jill M. Wiedrick, AICP
Village of Fairport
Zoning Board of Appeals

