

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, October 13, 2022 at the Mendon Community Center, 167 North Main Street, Honeoye Falls, NY, 14472 at 7:00 pm.

PRESENT: Daniel Bassette  
Stephen Maxon  
Dustin Cichon  
Christian Mahood

ABSENT: Stephen Tudhope

ATTORNEY: David Hou

OTHERS: Tom DuBois, Town Councilperson

Minutes were taken by Katrina Allen.

Mr. Bassette opened the meeting at 7:02 pm.

**MINUTES**

Mr. Cichon moved, second by Mr. Maxon to approve the minutes from August 11, 2022 meeting.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Mahood – aye; and Mr. Cichon – aye.

**COLLINS AREA VARIANCE**

An area variance application by Aaron and Jillian Collins, 6 Fountain Bleu Drive, Mendon, to build an addition with a front setback of 59.6 feet, whereas code requires a front setback of 60 feet and therefore requires an area variance. Zoned RS-30. Tax account no. 216.04-1-44.

Mr. Bassette waived reading the public notice as it was published in the Sentinel.

The applicants and their engineer, Kip Finley, approached the Board. Mr. Finley explained the applicants are looking for a five-inch variance for a fourth bedroom addition they are proposing. They have not hired a contractor yet and are looking to build in the spring, after their baby is born.

Mr. Finley said the addition will not change the character; it will have three jet outs instead of two. They tried other locations for the addition, but the master bedroom is along the back of the house, and there is the pool on one side, and the air conditioning on the other side. The only location is in the front of the home. He said, yes, it is self-created, because they want their children to have their own bedrooms.

Mr. Bassette said he looked at the map and the driveway and pool are on one side, and the air conditioning, gas, and electric are on the other side. Mr. Finley said the front is not even ideal, as the water is there, but that is easier to work around.

Mr. Maxon said this application cost money, and asked the applicants why they did not shorten the size of the addition to not need a variance. Ms. Collins stated the baby's furniture did not fit in a smaller size, as they tried that before. They could not fit a crib, dresser, and chair.

Mr. Cichon complemented the applicants, as they are not really adding a lot and have covered the egress.

Mr. Collins said they preferred to keep all the bedrooms the same size, and Mr. Finley said they wanted to be fair to all their kids.

Mr. Bassette asked the Board if there were any questions. There were none.

Mr. Bassette waived the formal asking of the Five Questions as they had been answered.

### **PUBLIC COMMENT**

None

### **MOTION**

Mr. Maxon moved, second by Mr. Mahood, to close the public hearing at 7:08 pm.

### **APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Mahood – aye; and Mr. Cichon – aye.

### **LOPEZ AREA VARIANCE**

An area variance application by Chris and Amy Lopez, 176 Taylor Road, Honeoye Falls, consisting of 6.81 acres, for a carport with a front property line setback of 10 feet, whereas code requires a 60-foot front property line setback and therefore requires an area variance. Zoned RA-1. Tax account no. 216.03-14-5.21.

Mr. Bassette asked the Board if it was familiar with the property and it was.

Mr. Bassette waived the reading of the public notice, as it was published in the Sentinel.

Chris and Amy Lopez thanked the Board for hearing their request. They want to build a carport, but the location does not meet the front setback on a county road. They need 60 feet but are only a three- and half-foot setback.

Ms. Lopez gave the history of their property and stated the improvements they have made, as well as the architectural awards they have received. The applicants explained the footprint and the gravel parking where they currently park their vehicles. They described the proposed carport and said it will have an open frame. The carport will have no significant impact, and it will actually shield their vehicles.

The Lopez's said they are staying within the Design Criteria of the Town. They provided maps of existing houses and addresses of historic homes, that are inline with theirs and the common setbacks.

Mr. Maxon asked if it is a three-and half-foot setback and if it will line up with the applicants' fence. Mr. Lopez said yes, and it will align to their house. He said the fence is actually on the road right-of-way.

Mr. Maxon asked how far the fence is from the road. Mr. Lopez said it is about eight to ten feet.

Mr. Bassette asked if the carport will be the same distance as as the house. Mr. Lopez said the house is a little closer to the road. They want to use the existing foundation.

Mr. Bassette inquired about the slope of the land and if it will, in essence, hide the carport. Mr. Lopez said yes, it will screen their vehicles, and the roof will match their other barns.

Mr. Mahood asked about the height of the carport. Mr. Lopez said is six feet from grade where they park. Mr. Mahood asked if it is two feet on top of that. Mr. Lopez said it will be 10 feet four inches at the highest.

Mr. Bassette asked if there are two driveways on either side, and Mr. Lopez said yes, they are preexisting.

Mr. Bassette asked if the foundation was there when the applicants moved in. Ms. Lopez said yes.

The wooded areas and pastures of the property were discussed.

Mr. Bassette said there is not much room on the property to put the cars somewhere else. Ms. Lopez said they tried everything.

Mr. Maxon asked if the gravel was already there, and Ms. Lopez said yes, it is where they park their vehicles.

The depth of the parking, location of the posts for the carport, and utilities were discussed.

Mr. Cichon said the applicants are staying with the character of the house.

Mr. Bassette asked the Board if there were any questions. There were none.

Mr. Bassette waived the formal asking of the Five Questions as they had been answered.

**PUBLIC COMMENT**

None

**MOTION**

Mr. Maxon moved, second by Mr. Mahood, to close the public hearing at 7:21 pm.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Mahood – aye; and Mr. Cichon – aye.

The Board discussed the Collins Area Variance determination.

**MOTION**

Mr. Maxon moved, second by Mr. Mahood to approve the Collins Area Variance

**APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Mahood – aye; and Mr. Cichon – aye.

**COLLINS AREA VARIANCE DETERMINATION**

Mr. Maxon moved, seconded by Mr. Mahood, that the area variance requested by Aaron and Jillian Collins, 6 Fountain Bleu Drive, Mendon, to build an addition with a front setback of 59.6 feet, whereas code requires a front setback of 60 feet and therefore requires an area variance. Zoned RS-30. Tax account no. 216.04-1-44, be **approved** based on the following:

WHEREAS, Aaron and Jillian Collins, the property owner appeared before the Zoning Board of Appeals at the public hearing on October 13, 2022; and

WHEREAS, Section 260-106 of the Mendon Zoning Code states the RS-30 District has a front setback of 60 feet. The applicant is requesting a front setback of approximately 59.6 feet; and

WHEREAS, The intent is to build an additional bedroom, so that they have one for each of their children; and

WHEREAS, The applicant intends to match the architecture of the existing residence while adding on to their house; and

WHEREAS, Existing land usage, structural elements, and utility services limit placement options; and

WHEREAS, The applicants believe the space is needed for proper usage; and

WHEREAS, No members of the public commented during the public hearing; and

WHEREAS, This application was sent to the County Planning Board for review under General Municipal Law 239-m and the County returned comments dated September 2, 2022; and

WHEREAS, after review, the Zoning Board of Appeals has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

1. The requested benefit **can** be achieved by other feasible means, such as changing the size.
2. The request is **not** substantial, as it is for less than a foot, reducing the setback requirement by ~0.7%.
3. Upon review of Short Environmental Assessment Form (617.20 Appendix B), the board finds the request will **not** have any adverse physical or environmental effects, as the impact is minuscule.
4. The request will **not** have an undesirable change in the neighborhood, as the addition is designed to maintain the existing architectural feel.

- 5. The difficulty **was** self-created, as the creation of the newest family member is driving this request.
- 6. This is a Type II action under SEQR.

NOW, THEREFORE, BE IT RESOLVED that the application be **granted** for the reasons stated above.

The Board discussed the Lopez Area Variance determination.

**MOTION**

Mr. Cichon moved, second by Mr. Mahood to approve the Lopez Area Variance.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Mahood – aye; and Mr. Cichon – aye.

**LOPEZ AREA VARIANCE DETERMINATION**

Mr. Cichon moved, seconded by Mr. Mahood, that the area variance requested by Chris and Amy Lopez, 176 Taylor Road, Honeoye Falls, consisting of 6.81 acres, for a carport with a front property line setback of 3.5 feet, whereas code requires a 60-foot front property line setback and therefore requires an area variance. Zoned RA-1. Tax account no. 216.03-14-5.21, be **approved** based on the following:

WHEREAS, Chris and Amy Lopez, the property owner appeared before the Zoning Board of Appeals at the public hearing on October 13, 2022; and

WHEREAS, Section 260-106 of the Mendon Zoning Code states the RA-1 District has a front setback of 60 feet. The applicant is requesting a front setback of approximately 3.5 feet; and

WHEREAS, The planned carport location has an existing foundation from a previous structure. The carport will be within this foundation, and not encroach further. As such, it will open away from the road, onto the existing gravel driveway; and

WHEREAS, The planned location is currently being used for parking, as much of the property is pasture or woodland; and

WHEREAS, There is existing raised land between the proposed carport and the road, which the applicant intends to retain; and

WHEREAS, The existing house is a similar distance from the road as the requested carport; and

WHEREAS, A number of neighboring properties have similar setbacks; and

WHEREAS, No members of the public commented during the public hearing; and

WHEREAS, This application was sent to the County Planning Board for review under General Municipal Law 239-m and the County returned comments dated October 6, 2022; and

WHEREAS, after review, the Zoning Board of Appeals has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

1. The requested benefit **cannot** be achieved by other feasible means, as existing uses of the property prevent other options.
2. The request **is** substantial, as it is ~94% reduction of the required setback. To some extent, this is mitigated by the terrain and existing foundation.
3. Upon review of Short Environmental Assessment Form (617.20 Appendix B), the board finds the request will **not** have any adverse physical or environmental effects, as the location has been previously disturbed and the effective usage will remain the same.
4. The request will **not** have an undesirable change in the neighborhood, as it does not infringe significantly more than the existing house.
5. The difficulty **was** self-created, as it is the applicants desired construction location.
6. This is a Type II action under SEQR.

NOW, THEREFORE, BE IT RESOLVED that the application be **granted** for the reasons stated above.

**MOTION**

Mr. Maxon moved, second by Mr. Mahood to adjourn the meeting at 7:41 PM.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Mahood – aye; and Mr. Cichon – aye.