

**MINUTES FROM A MEETING OF THE
VILLAGE OF AVON ZONING BOARD OF APPEALS
MONDAY, AUGUST 29, 2022
6:30 PM; VILLAGE HALL**

I. ATTENDANCE

Daniel Freeman, Chairman (7:10 PM)
James Gerace
Ernest Wiard

ABSENT

Christopher Conine
Richard Hite

GUESTS

Christine Martin, 118 Genesee Street
Gregory McMahon, McMahon LaRue Associates PC

STAFF

Gary Margiotta, Secretary

IV. NEW BUSINESS

A. Area Variance Application

Pole Bridge Road Subdivision #4
34.11-1-65.19 zoned Agricultural (AG)
6-lot subdivision, 2.82 acres

Christine Martin for Katherine Martin
118 Genesee Street 118 Genesee Street
Gregory McMahon, McMahon LaRue Associates PC
822 Holt Road, Webster, NY

Freeman called the meeting to order at 7:10 PM and apologized for being late. The meeting had been called for the purpose of conducting a public hearing on an area variance appeal from Katherine Martin, 118 Genesee Street. Martin owned 2.82 acres of land on the west side of Pole Bridge Road, 260 feet south of East Main Street and adjoining Aaron’s Auto Body LLC at 20 Pole Bridge Road.

Martin wished to subdivide the 2.82 acres into six building lots. The lot closest to Aaron’s Auto Body would be 22,938 square feet. The remaining five lots would be 20,000 square feet (.459-acre) each.

Chapter 30, Section 44, of the Zoning Code required 1-acre minimum lots for single family dwellings in an Agricultural (AG) district.

Martin had applied for an area variance August 8, seeking to use the land in a manner not in compliance with Chapter 30, Section 44, of the Zoning Code. Pursuant to said appeal, the Zoning Board of Appeals had scheduled a public hearing for this date:

**LIVINGSTON COUNTY
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Village of Avon Zoning Board of Appeals on Monday, August 29, 2022, at 6:30 PM at Village Hall, 74 Genesee Street, Avon, New York on the following matter:

An appeal by Katherine Martin of 118 Genesee Street, Avon, New York, for an area variance to divide land zoned Agricultural (AG) into six, single-family dwelling lots with a minimum lot size of 20,000-square-feet in lieu of the 1-acre minimum lot size required by Chapter 30, Section 44, of the Village of Avon Municipal Code.

The Zoning Board of Appeals will, at the aforesaid time and place, hear all persons in support of this appeal or objecting thereto. Persons may appear in person or by agent or attorney.

Dated: August 17, 2022

By order of the Zoning Board of Appeals of
the Village of Avon, Dan Freeman, Chairman

The 2.82 acres had always been zoned Agricultural (AG), McMahon told Board members, 20,000-square-foot single family dwelling lots had been allowed until the Village amended the Zoning Code September 9, 2019 at such time increasing the minimum lot size to 1-acre.

Martin had been before the Village's Planning Board, McMahon continued. That Board had reviewed Martin's area variance appeal August 16 and issued a positive recommendation.

There were five factors, set forth in the Village Law Chapter 7, Sections 712 and 712b, for evaluating area variance appeals. Freeman prompted Board members to go through those factors:

- 1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of an area variance?**

Freeman, Gerace and Wiard each indicated they believed it would not.

- 2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than the area variance?**

Freeman did not believe so. Gerace and Wiard did not disagree.

- 3. Is the requested area variance substantial?**

The smaller lot size was in the best interest of the Village as it was, likewise, in the Village's best interest to create sidewalks across the front of the lots, Freeman asserted.

- 4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?**

Freeman, Gerace and Wiard agreed it would not.

- 5. Is the alleged difficulty self-created? This consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the recommending of the area variance.**

In light of the similarly sized lots to the south of and across the street from Martin's land, creating 1-acre lots would be "ridiculous," Freeman said.

MOTION: Wiard moved for approval of Martin's area variance appeal, seconded by Gerace. Voting in favor were: Freeman, Gerace and Wiard. Voting against were: none.

CARRIED, 3 Ayes, 0 Nays

V. ADJOURNMENT

The Board adjourned at 7:17 PM.

Gary Margiotta
Secretary