

ZONING BOARD OF APPEALS MEETING

MONDAY, MARCH 26, 2018

MEMBERS PRESENT: JEFF MULLIGAN, CINDY KELLEN, BOB WESTFALL

VISITORS: BRIAN GLISE, SHAUN LOGUE, TOM SMITH

CLERK: KIM MCDOWELL

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MOTION TO OPEN THE MEETING WAS MADE BY BOB; SECONDED BY CINDY.

JEFF MULLIGAN - AYE  
CINDY KELLEN- AYE  
BOB WESTFALL- AYE  
DIANE ATTEA - ABSENT  
SAM PRICE - ABSENT

CARRIED 3-0.

MOTION TO APPROVE THE MINUTES FROM THE NOVEMBER 27, 2017 MEETING AS SUBMITTED WAS MADE BY CINDY; SECONDED BY BOB.

JEFF MULLIGAN - AYE  
CINDY KELLEN- AYE  
BOB WESTFALL- AYE  
DIANE ATTEA - ABSENT  
SAM PRICE - ABSENT

CARRIED 3-0.

SMITH, THOMAS/4870 DARBY ROAD/TAX MAP PARCEL #34.-1-11.12/FRONT SET BACK VARIANCE TO BUILD A POLE BARN GARAGE 32` X 56` X 12` FOR STORAGE NEEDS TO BE BUILT IN FRONT OF THE PRIMARY DWELLING DUE TO NATURAL GROUND WATER RUN OFF.

Tom needs a 15 foot set forward from primary structure due to swale. Tom plans on vinyl siding pole barn to look like the house. ZBA board already approved height variance in November 2017. Jeff read the SEQR provided by Shaun, MRB Group Engineer. Tom asked if he could modify to get a 20 foot set forward from Primary structure and the Board didn't approve that.

Public hearing is set for April 23, 2018. Kim will get in touch with Tom on April 9, 2018 to get signs to him.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION  
THOMAS SMITH - 32'x56'x12' POLE BARN  
4870 DARBY ROAD - LIMITED RESIDENTIAL ZONING DISTRICT  
TM# 34-1-11.12 - AREA VARIANCE

**SEQR RESOLUTION - TYPE II ACTION**

**WHEREAS**, the Town of Avon Zoning Board of Appeals, (hereinafter referred to as Board of Appeals) is considering an Area Variance approval for the construction of a detached accessory pole barn to be constructed in front of the primary structure for a proposed 32' x 56' x 12' (1,792 square feet) pole barn located at 4870 Darby Road, within the Limited Residential (LR) zoning district and detailed on the Sketch Plans dated March 7, 2018 and all other relevant information submitted as of March 26, 2018 (the current application).

The said improvements for an area variance of 15 feet is requested as the detached accessory pole barn is located in the front of the residential ("primary") structure per Town Code 130-24(B); and

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Board of Appeals does hereby classify the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

**BE IT FURTHER RESOLVED THAT**, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

**BE IT FINALLY RESOLVED THAT**, the Board of Appeals in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Cindy Kellen and seconded by Bob Westfall at a meeting of the Board of Appeals held on Monday, March 26, 2018. Following discussion thereon, the following roll call vote was taken and recorded:

Jeffery Mulligan - *Aye*  
Samuel Price - *Absent*  
Cindy Kellen - *Aye*  
Bob Westfall - *Aye*  
Diane Attea - *Absent*

I, Kim McDowell, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Avon Board of Appeals for the March 26, 2018 meeting.

Kim McDowell, L.S.  
Kim McDowell, Clerk of the Board

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**BUILDING AND ZONING DEPARTMENT**

## **ZONING BOARD OF APPEALS DECISION SHEET**

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**Hearing Date:** March 26, 2018

**Project Name/Number:** Area Variance: To permit the detached accessory pole barn to be constructed in front of the primary structure.

**Subject Property Address:** 4870 Darby Road

**Tax Account #:** 34-1-11.12

**Zoning District:** Limited Residential (LR)

**Agenda Item:**

Area Variance application to construct a 32' x 56' x 12' (1,792 square feet) pole barn (detached accessory structure). Section 130-24(B), Town Code states that detached accessory buildings shall be located to the rear of the front building line of the primary building and shall conform to yard requirements of said chapter. The proposed location of the pole barn will be located 12 to 15 feet in front of the primary building, thus requiring an area variance of 12 to 15 feet. Prior to the commencement of construction activities, the subject property will be subject to inspection by the Town Code Enforcement Officer to determine compliance with NYS Building Code requirements and Town Code requirements and conditions of this approval.

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Board Members	Present	Motion		Recusal
		Aye	Nye	
1. Jeffery Mulligan, Chairman	x	x		
2. Samuel Price	--			
3. Cindy Kellen	x	x		
4. Bob Westfall	x	x		
5. Diane Attea	--			
Alternate: _____				

**Action:** Zoning Board of Appeals (ZBA) moved the application to the April 23, 2018 for a public hearing.

**Conditions:** [ ] Yes [x] No

**Motion made by:** Cindy Kellen

**Seconded by:** Bob Westfall

**MOTION TO CLOSE THE MEETING WAS MADE BY CINDY; SECONDED BY BOBA.**

JEFF MULLIGAN - AYE  
 CINDY KELLEN - AYE  
 BOB WESTFALL- AYE  
 DIANE ATTEA - ABSENT  
 SAM PRICE - ABSENT

CARRIED 3-0.

MEETING CLOSED.