

ZONING BOARD OF APPEALS MEETING

MONDAY, MAY 20, 2019

MEMBERS PRESENT: JEFF MULLIGAN, CINDY KELLEN, BOB WESTFALL,  
DIANE ATTEA  
ABSENT: SAM PRICE  
OTHERS: COE BRIAN GLISE  
VISITORS: LIZ STROUD, JESSE COLE, MR & MRS. PETER FARR  
CLERK: KIM MCDOWELL

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

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

CARRIED 4-0.

MOTION TO APPROVE THE MINUTES FROM THE JOINT MEETING MAY 7, 2019 MEETING AS SUBMITTED WAS MADE BY CINDY; SECONDED BY BOB.

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

CARRIED 4-0.

STROUD, TRAVIS & ELIZABETH/1705 POLE BRIDGE ROAD/TAX PARCEL  
#34.11-2-5 - SIDE SET BACK VARIANCE OF 6' FOR ADDITION - PUBLIC  
HEARING

Mrs. Stroud gave a brief overview of what they are requesting and why they need the side set back variance for their addition.

MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY JEFF; SECONDED BY BOB.

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

CARRIED 4-0.

Jeff read the SEQR Resolution - Type II Action to all present.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION  
TRAVIS & ELIZABETH STROUD - HOUSE ADDITION  
1705 POLE BRIDGE ROAD - R-1 ZONING DISTRICT  
TM# 34.11-2-5 - 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 side yard setback of 14 feet where 20 feet is required for a total area variance of 6 feet, located at 1705 Pole Bridge Road within the R-1 zoning district and detailed on the Site Plans titled “Stroud Addition” dated March 31, 2019 prepared by Kathleen Engstrom and all other relevant information submitted as of May 20, 2019 (the current application); 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 Jeff and seconded by Bob at a meeting of the Board of Appeals held on Monday, May 20, 2019. 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 - Aye

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 May 20, 2019 meeting.

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

**MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY CINDY; SECONDED BY BOB.**

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

**CARRIED 4-0.**

**MOTION TO APPROVE VARIANCE WAS MADE BY DIANE; SECONDED BY CINDY.**

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

**CARRIED 4-0.**

Variance has been approved. Brian will approve permit tonight and Kim will process it tomorrow. Kim will get in touch with Mr. Stroud once it has been processed for pick up.

COLE, JESSE/2715 BRONSON HILL ROAD/TAX PARCEL#55.-1-16.412-FRONT  
SET BACK VARIANCE FOR POLE BARN NEXT TO EXISTING GARAGE IN FRONT  
OF PRIMARY STRUCTURE - PUBLIC HEARING

MOTION TO OPEN THE PUBLIC HEARING WAS MADE BY DIANE; SECONDED BY BOB.

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

CARRIED 4-0.

Mr. Cole stated nothing has changed since last meeting, need a variance for accessory structure in front of primary structure. There is an existing structure in front of the primary structure and this new structure will be behind that.

Mr. Cole checked on the well to see if there were any issues with building near/on top of it and there were none.

Jeff read the SEQR Resolution - Type II Action to all present.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION  
JESSE & CARRIE COLE - DETACHED BARN/ GARAGE  
2715 BRONSON HILL ROAD - AGRICULTURAL ZONING DISTRICT  
TM# 55-1-16.412 - 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 to allow a 64' x 42' detached Barn/ Garage in front/ side yard of primary structure, located at 2715 Bronson Hill Road within the Agricultural zoning district and detailed on the Boundary Survey Map dated November 21, 2018 prepared by Welch & O'Donoghue and all other relevant information submitted as of May 20, 2019 (the current application); 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 Bob and seconded by Jeff at a meeting of the Board of Appeals held on Monday, May 20, 2019. 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 - Aye

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 May 20, 2019 meeting.

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

MOTION TO CLOSE THE PUBLIC HEARING WAS MADE BY BOB; SECONDED BY CINDY.

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

CARRIED 4-0.

MOTION TO APPROVE VARIANCE WAS MADE BY DIANE; SECONDED BY CINDY.

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

CARRIED 4-0.

Variance was approved. Mr. Cole will submit a permit application once he is ready to begin building.

FARR, PETER/1914 LAKEVILLE ROAD/TAX PARCEL#35.13-1-1 - SIDE SET BACK VARIANCE OF 5' FOR GARAGE ADDITION

Mr. Farr would like to extend his current garage which would require him to be about 5 feet from the property line instead of the required 10 feet per Town of Avon Code.

Jeff stated he is unsure of this variance due to the fact it will be so close to the neighbor's house. He asked Mr. Farr if he could possibly extend it behind the current garage but they can't due to the septic system in the back. Mrs. Farr showed the Board members pictures of the property and where they would like the garage to go.

Mr. Farr said he included in the application a letter from the neighbor stating they have no objection to the garage problem with the garage being that close.

Brian asked if there was a survey done on the property. Mr. Farr stated there is a stake on the property that has always been there. Brian stated if the stake is actually correct but we wouldn't know unless a survey is done or they have a survey so he can make sure everything is done properly due to how close it is to the line.

Jeff stated that board should agree to this variance before we make the home owner incur an expense for the surveyor.

Brian read the questions for variances to the Board to answer.

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by granting the variance? Questionable per Jeff
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? No
3. Is the requested variance substantial? Yes
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?  
No
5. Is the alleged difficulty self-created? Yes

Brian looked up the dimensions of an average one car garage and a two car garage for everyone.

Diane stated that they know if this is approved and if they don't abide by the setbacks otherwise it would have to be torn down. Brian stated that is correct as long as the lot line is correct.

The Board stated they would like to know exactly where the lot lines are in order for them to make a decision. Mr. Farr will need to get a survey to show them before they will make a decision on this variance application.

Jeff stated that the public hearing can be scheduled for June 24, 2019. Kim will get in touch with Mr. Farr before June 10, 2019 to get all the information needed.

Gage, Julianna & Richard/2894 Garden Street/Tax Parcel  
#55.-1-26.3 - rear set back variance of 6 ft. for pole barn  
- concept discussion

Mr./Mrs. Gage didn't show up for the meeting to discuss their application. Cindy stated that Mr. Gage discussed this with her since he knew he was going to be out of town for the meeting. Kim thought he told her his wife was going to attend but he was also going to discuss with Cindy as well.

The Board had some discussion on the application and based on what they were given feel Mr. Gage needs to follow the required setbacks.

Kim will get in touch with Mr. Gage and let him know that he needs to attend the meeting on June 24, 2019 to discuss with the Board.

MOTION TO CLOSE THE MEETING WAS MADE BY BOB; SECONDED BY DIANE.

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

CARRIED 4-0.

MEETING CLOSED.