

**Area Variance Meeting Notes**

**Date** 01.23.13 **Appeal #** AV1205

Minutes taken by Janet Berkemeier

Meeting called to order at: 7:30 p.m.

**Members**

	Present	Absent
Janet Berkemeier	<u>X</u>	<u>      </u>
Nancy Burke	<u>      </u>	<u>X</u>
Mary Miller	<u>X</u>	<u>      </u>
Bill Messinger	<u>X</u>	<u>      </u>
Pam Sojda	<u>X</u>	<u>      </u>
Diane Fowler	<u>X</u>	<u>      </u>
Mike Adams	<u>      </u>	<u>X</u>

Application No. AV1205

Date of Application 12.26.12

Date Notice Published 01.11.13

**Others Present** ZEO/CEO Tom Douglas Pam Diehl

Walter Wenhold, Councilman

Greg Torrey

Ken Diehl

**Genesee County Planning Board Recommendations ~ Review Date** 01.10.13 **Approve** X **Reject**       

Modifications The required modification is that the applicant subdivides the proposed home from the parcel in order to maintain one principal building per lot. The applicant’s situation is not unique and the granting of a variance would set a precedent for future such applications. It is recommended that the town Board investigate the possibility of a zoning amendment that addresses the issue of our aging population, such as accessory apartments or ECHO housing units. It is further recommended that the applicant submits the enclosed application for 9-1-1 Address Verification to the Genesee County Sheriff’s Office to ensure that an address is given that meets Enhanced 9-1-1 standards.

**Bethany Planning Board Recommendations ~ Review Date** 01.10.13 **Approve** X **Reject**       

Modifications \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**State Environmental Quality Review ( SEQR)**

The status of this variance is...

Type I \_\_\_\_\_ Poses a significant environmental impact. Requires completion of a long Environmental Assessment

Form (EAF) and coordinated review by all involved agencies.

Type II X Actions NOT subject to review under SEQR. Type II actions include interpretations, granting area variances for one, two or three family dwellings and granting of individual setback and lot line variances.

Unlisted Actions \_\_\_\_\_ Actions are all those actions NOT considered Type I or Type II.

Use variances and conditional use permits are classified as Unlisted Actions and require completion of a short EAF.

Opening Remarks ZEO Douglas explained the layout of the proposed structure

**Public Hearing Called to Order at: 7:30 p.m.**

Public Comments Mr. Greg Torrey stated that the long range plan is to use the new structure as a pool house. Mr. Diehl stated that he had no problem with the location of the proposed structure.

**Public Hearing closed at: 8:04 p.m.**

Area Variance Points to Consider

A. Whether an **undesirable change will be produced** in the character of the neighborhood or a **detriment** to nearby properties will be created by the granting of the area variance

Discussion \_\_\_\_\_

**Vote Point A**

	YES	NO
Janet Berkemeier	_____	<u>X</u> _____
Nancy Burke	_____	_____
Mary Miller	<u>X</u> _____	_____
Bill Messinger	_____	<u>X</u> _____
Pam Sojda	_____	<u>X</u> _____
Diane Fowler	_____	<u>X</u> _____
Mike Adams	_____	_____

**Yes,** means you **DO** think an undesirable change will be produced.

**No,** means you **DO NOT**.

B. Whether the **benefit sought** by the applicant **can be achieved by some method, feasible** for the applicant to pursue **other than the area variance**

Discussion \_\_\_\_\_

**Vote Point B.**

	YES	NO
Janet Berkemeier	<u>X</u> _____	_____
Nancy Burke	_____	_____
Mary Miller	<u>X</u> _____	_____
Bill Messinger	<u>X</u> _____	_____
Pam Sojda	<u>X</u> _____	_____
Diane Fowler	<u>X</u> _____	_____
Mike Adams	<u>X</u> _____	_____

**YES,** means you **do think** the benefit **can be achieved** by another method.

**NO,** means you **DO NOT**.

C. Whether the **requested area variance is substantial**

Discussion \_\_\_\_\_  
 \_\_\_\_\_

**Vote Point C.**

YES NO

Janet Berkemeier	<u>X</u>	_____
Nancy Burke	_____	_____
Mary Miller	<u>X</u>	_____
Bill Messinger	<u>X</u>	_____
Pam Sojda	<u>X</u>	_____
Diane Fowler	<u>X</u>	_____
Mike Adams	_____	_____

**YES** means you think the area variance **IS substantial**.  
**NO**, means you **DO NOT**.

D. Whether the proposed variance **will have an adverse effect** or impact on the physical or environmental conditions in the neighborhood or district

Discussion The adverse affect is that precedent set by allowing a residence at such a location.  
 \_\_\_\_\_

**Vote Point D.**

YES NO

Janet Berkemeier	_____	<u>X</u>
Nancy Burke	_____	_____
Mary Miller	<u>X</u>	_____
Bill Messinger	<u>X</u>	_____
Pam Sojda	<u>X</u>	_____
Diane Fowler	<u>X</u>	_____
Mike Adams	_____	_____

YES, means you think the variance **WILL HAVE** an adverse effect or impact.  
NO, means you think IT WILL NOT

E. Whether the alleged difficulty was self created.

Discussion \_\_\_\_\_  
 \_\_\_\_\_

**Vote Point E.**

YES NO

Janet Berkemeier	<u>X</u>	_____
Nancy Burke	_____	_____
Mary Miller	<u>X</u>	_____
Bill Messinger	<u>X</u>	_____
Pam Sojda	<u>X</u>	_____
Diane Fowler	<u>X</u>	_____
Mike Adams	_____	_____

YES, means you think the difficulty **WAS** self-created.  
 NO, means you think it was **NOT**.

Motion to .. Approve \_\_\_\_\_ Reject \_\_\_\_\_ Made by Diane Fowler Seconded by William Messinger  
 Conditions of Approval \_\_\_\_\_ Motion made to table the proposal for further direction.

Motion Vote                      Approve    Reject    Abstain

Janet Berkemeier	<u>  X  </u>	<u>      </u>	<u>      </u>
Nancy Burke	<u>      </u>	<u>      </u>	<u>      </u>
Mary Miller	<u>  X  </u>	<u>      </u>	<u>      </u>
Bill Messinger	<u>  X  </u>	<u>      </u>	<u>      </u>
Pam Sojda	<u>  X  </u>	<u>      </u>	<u>      </u>
Diane Fowler	<u>  X  </u>	<u>      </u>	<u>      </u>
Mike Adams	<u>      </u>	<u>      </u>	<u>      </u>

<b>Action Taken</b>	
<b>Approved</b>	<u>      </u>
<b>Denied</b>	<u>      </u>
<b>Tabled</b>	<u>  X  </u>

Motion Tally                      Carried   X   Denied       

**Motion to CLOSE meeting made by   Pam Sojda   Motion SECONDED by   Janet Berkemeier**

Motion Tally    In Favor      5      Opposed      0  

**Chairman Adjourns Meeting at:   8:25 p.m.**