

August 29, 2019

September 5, 2019

September 12, 2019

The Zoning Board met on the above dates to hear and discuss an Area Variance for 3178 Quaker Road.

August 29, 2019

The regular scheduled meeting of the Zoning Board was held on the above date at the Hartland Town Hall, 7:30 PM.

Members of the board present:

Steve MacEvoy, chairman

Peggy Zaepfel

Attorney Tom Seaman

Others present: Mr. & Mrs. Santarsiero

Public Hearing

Owner/Applicant John Santarsiero, 3178 Quaker Road, Gasport Tax Map No. 56.00-1-43

Application requesting an Area Variance of the provisions of the Zoning Code of the Town of Hartland to build a pole barn close to the lot line than allowed by the code.

Chairman MacEvoy opened the Public Hearing at 7:40 PM

Zoning Secretary, Boyler read the Notice of Public Hearing for the Santarsiero application.

Santarsiero requested a variance to build a garage extending off of the existing garage. His existing leach bed is located directly behind his home, so the placement of his new garage can only be built behind the current structure. The variance requested is to build closer than the required 10' distance from the property line.

Chairman MacEvoy noted that there was no public participation.

Chairman MacEvoy asked for a drawing, with dimensions, showing the placement of the building with regards to the property lines. Since there was not a quorum of members present, the public hearing was held open until Thursday, September 5th at 7:00 PM.

September 5, 2019

Chairman MacEvoy opened the public hearing, which had been held open from August 29, 2019.

Members present: Peggy Zaepfel, Cheryl Confer

The applicants had been asked to present a drawing with dimensions. The drawing submitted did not have the required dimensions. Chairman MacEvoy attempted to reach the applicant and left a message.

Confer expressed a concern that this could be an issue for the fire company, should there be a call.

Chairman MacEvoy held the public hearing until Thursday, September 12 at 1 PM.

September 12, 2019

Chairman MacEvoy opened the public hearing at 1 PM

Members present: Peggy Zaepfel, Cheryl Confer and Code Enforcement Officer, Michael Hartman.

Mr. Santarsiero and his father attended and stated that he did not have a survey of the property, however, had included dimensions for the drawing. He also stated that Soemann's garage on the opposite side of the line was in need of repair. The closest section of the new building would be 14" away from the line.

Zaepfel asked how to determine the property lines without a survey?

CEO Hartman had inspected the property and said that the fence line actually expands to a 45 degree angle, widening out on the Santarsiero side. Hartman provided pictures of the property and fence line. The condition of the neighbor's barn is in such disrepair and is so close that if there were a fire, it would destroy both buildings, so the property lines need to be defined. The law is a 10' setback. The leach field comes straight back from the house, according to the County maps, making it impossible to build any further over. Hartman has spoken to the contractor and expressed his concern for the extension of the eaves. The eaves can only be 4" as they will extend over the property line; the contractor must adjust the plans.

Chairman MacEvoy asked if there were any questions.

CEO Hartman stated that the shed is 8' from the property line and would the building be 8' from the property line in the back? The assumption is that the fence posts are the property lines?

All expressed concerns that if the neighbor's property were sold, that a survey could reveal different property lines than what is assumed.

With everyone being heard, Chairman MacEvoy closed the public hearing and opened the regular meeting at 1:15 PM.

Since an Area Variance does not require a SEQR, Chairman MacEvoy asked if there was any further discussion.

Motion made by Peggy Zaepfel, seconded by Cheryl Confer to grant an Area Variance, subject to the following conditions:

1. The variance is to be closer than the required 10' distance, in actuality the distance is 14", as per applicant, at the closest point and;

2. The Board made the determination that the action is not an undesirable change in the appearance of the neighborhood as the neighbors barn is less than 10' from the property line also, and

3. There is no other option of placement for the applicant because of the placement of the leach bed on the existing lot, and

4. What is requested is not substantial as existing neighbor's property already is closer than 10' to the property line.

5. The proposed variance will have no adverse effect on the neighborhood and district, as supported in the fact that there was a lack of public attendance to show support or refute the variance.

6. The alleged difficulty with placement is not self- imposed as the property lines were already established when purchased.

7. Applicant agrees to limit the eaves on the North side to be equal with the eaves of the existing garage so as not to extend over the neighbor's property line.

Ayes: 3 Nays: 0 GRANTED

Motion made by Cheryl Confer, seconded by Peggy Zaepfel to change the Zoning Board meeting time from 7:30 PM to 7:00PM.

Ayes: 3 Nays: 0

As there was no further business, Peggy Zaepfel MOVED to adjourn at 1:25 PM, seconded by Cheryl Confer.

C. Boyler, Secretary