

TOWN OF EAST BLOOMFIELD

July 28, 2021

Zoning Board of Appeals Members Present, Art Babcock, Mark Thorn, Rosemary Garlapow. **Absent:** Tim Crocker

Others Present: Kimberly Rayburn (Secretary), James Kier (Building & Zoning), Terri & Mackenzie Henderson (Applicant).

Babcock opened the meeting at 7:00 pm with the Pledge of Allegiance. The Board opened the public hearing and waived the reading of the hearing.

I. # TV4-21 Area Variance Terri Henderson of 2443 County Rd 39 tax map #

67.00-1-7.000 would like to place a 12 x 14 shed on an existing pad where a larger garage used to be. She is requesting the shed be placed 13 feet from the side lot line where 25 ft is required and 55 feet from the front property line where 75 feet is required. The shed will be behind the front line of her preexisting home.

Babcock addressed Henderson and asked if she wished to place a prebuilt Amish shed in a portion of the driveway to store items from a barn in the rear that will be taken down. Henderson stated that was true as the barn has been deemed uninsurable. Due to the elevation change in the rear of the parcel she was also told that when she replaces the barn, she would need to bring it further up towards the house. She would like to place the shed in a location where a larger garage once sat and she likes the idea of being able to utilize the shed after the barn is built for her garbage cans. Henderson stated that three (3) cars can fit in the space now and two (2) will still be able to once the shed is placed. The shed is a 12 x 14. The prior garage was thirty (30) plus feet wide. The concrete is still on the ditch side for the foundation but the sides of the fenced in area are supported by wood beams. Babcock stated its important not to block the turn around as backing out into the road is dangerous, especially in this spot. Henderson agreed. A discussion was held on the setback regulations, Henderson and Kier stated that the preexisting nonconforming home sits seventy-five (75) feet back from the centerline of the road, where (75) from the right of way is required in the current regulations. The side setback regulation is twenty-five (25) feet. Thorn asked about the neighbor to the North where the shed would sit. Henderson stated that they live in Pittsford they purchased the property for recreation and have no plans of building on the property.

Babcock asked if there were any further questions or concerns. There were none.

Thorn motioned and Crocker seconded to close the public hearing. All Board members present voted Aye. Vote was carried unanimously.

Thorn motioned and Babcock seconded to declare SEQR a Type II action with no further action required. All Board members present voted Aye. Vote was carried unanimously.

The Board then started their review of the State mandated five (5) criteria tests.

1. **Undesirable change to the neighborhood:** They felt that even if there had not been a garage in this location prior, the shed would not be out of the ordinary.
2. **Alternative method:** Yes, there could be an alternative location, however there is an existing crushed stone base and choosing an alternative location is unnecessary and would cause more of an expense. The difficulty in the land layout restricts the location as well.
3. **Substantiality:** The Board discussed the side setback and its less than a fifty (50) percent variance, they also do not want to limit the turn around for safety. The shed width is smaller than the original garage. They stated the front setback would be substantial if the shed was in front of the existing home, but since it will set behind the front line of the home its acceptable.
4. **Impact on the environment:** By putting the structure where it is going, they can use the existing stone pad.
5. **Self-creation:** The Board feels this is self-created.

Babcock asked for any further discussion there was none.

Thorn motioned and Crocker seconded to grant the area variance #TV4-21 for Terri Henderson of 2443 County Rd 39 tax map # 67.00-1-7.000. To place a 12 x 14 shed on an existing pad where a larger garage used to be. 13 feet from the side lot line where 25 ft is required and 55 feet from the front property line where 75 feet is required. The shed will be behind the front line of her preexisting home.

Whereas:

The proposed meets all the criteria reviewed and stated below except for self-creation.

1. **Undesirable change to the neighborhood:** They felt that even if there had not been a garage in this location prior, the shed would not be out of the ordinary.
2. **Alternative method:** Yes, there could be an alternative location, however there is an existing crushed stone base and choosing an alternative location is unnecessary and would cause more of an expense. The difficulty in the land layout restricts the location as well.
3. **Substantiality:** The Board discussed the side setback and its less than a fifty (50) percent variance, they also do not want to limit the turnaround for safety. The shed width is smaller than the original garage. They stated the front setback would be substantial if the shed was in front of the existing home, but since it will set behind the front line of the home its acceptable.
4. **Impact on the environment:** By putting the structure where it is going, they can use the existing stone pad.
5. **Self-creation:** The Board feels this is self-created.

Record of Vote:

Babcock **Aye** Thorn **Aye** Garlapow **Aye** Crocker **Aye**

All Board members present voted Aye, Vote was carried unanimously.

II. Discussion:

A brief discussion was held regarding possible requests for review, and code regulations.

Thorn motioned and Garlapow seconded to adjourned at 8:00 pm. All Board Members present vote Aye. Vote was carried unanimously.

Respectfully submitted,

Kimberly Rayburn

Planning & Zoning Board Secretary