

**TOWN OF PARMA**  
**ZONING BOARD OF APPEALS**  
**May 19, 2016**

**Members Present:** Dan Melville  
Veronica Robillard  
Stephen Shelley  
Dean Snyder  
Jim Zollweg

**Excused Members:** Tim Thomas

**Others Present:** Art Fritz, Kyle Mullen

**Public Present:** Tim Jennings, Jim Smith, Chris Klch, Kevin Cleary, Maurice Leone, Todd Carter

The meeting was called to Order by Chairperson Robillard at 7:00 p.m. Chairperson Robillard explained the function of the ZBOA and the decision-making process. She also explained that this is a five member board and a quorum of three is required to pass a motion.

**NEW BUSINESS**

**1. JAMES SMITH – 254 NORTH AVENUE**

The application of James Smith, owner, for an area variance at 254 North Avenue. The applicant is proposing to create a 5.2 acre parcel with an existing accessory structure and is requesting relief from Town Zoning Article V, subsection 165-31.C.2 which does not allow an accessory structure without a primary structure. This property is currently zoned Agricultural/Conservation (AC).

Jim Smith, owner, explained that he will be selling the property to his son who will be building a house on the property. They have been to the Planning Board who referred it to this Board. They are hoping to have the house built by the end of 2017. Stephen Shelley asked if there was a contract to sell. Mr. Smith stated there was. Dan Melville asked if any work has begun. Mr. Smith stated there have been some trees cleared and some preliminary work done. Stephen Shelley stated that he believes applications like this have been granted in the past. Dean Snyder stated that the Board has approved these in the past. He stated that the Board wants to make sure that the building is actually going to take place. They are not so worried with a completion date but a start date. He feels this is a very straightforward application.

**Board Discussion:** Art Fritz reported that notifications were in order, the request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required. There are no letters in the file.

**Public Comment: None**  
**Public Hearing: Closed**

After discussion, a **Motion** was made by Jim Zollweg to **approve** the application of James Smith, owner, for an area variance at 254 North Avenue. The applicant is proposing to create a 5.2 acre parcel with an existing accessory structure and will not have a primary residence on the property. This will grant relief from Town Zoning Article V, subsection 165-31.C.2 which does not allow an accessory structure without a primary structure. This property is currently zoned Agricultural/Conservation (AC).

In making this determination I applied the balancing test which has several components:

- The benefit cannot be achieved by other means feasible to the applicant. The applicant intends to sell this property and a new residence will be built on this property by the end of 2017 which will end this variance.
- There will be no undesirable change in neighborhood character or to nearby properties. There is no actual change at all.
- The request is not substantial.
- There will be no adverse physical or environmental effects.

- The alleged difficulty is self-created. Applying the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community.

**Seconded** by Dan Melville. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Dean Snyder, Jim Zollweg; **Excused**: Tim Thomas).

Dean Snyder stated that when this variance was originally given, the intention at that time was to move in this direction so this is very consistent with what the long range plan was when the original application came in. There was discussion about adding a timeframe for building. Dean Snyder felt that that was not necessary. This has been the plan for some time so he is comfortable with this as stated.

## **2. GARY AND LORI RITZEL – 1777 MANITOU ROAD**

The applicants currently have 4 dogs on this property and are requesting a Special Permit in accordance with Town Zoning Article X, subsection 165-82.AA.3. A Special Permit is required to have more than three dogs on a property. This property is currently zoned Medium Density Residential (MD).

A letter was read by Chairperson Robillard received today (May 19, 2016) from the applicants. They requested that both applications be tabled to the Zoning Board Meeting in June. The reasons stated were the notification letters for the Special Permit were not mailed out timely and they would like to check the measurements for the addition to the accessory structure to make sure they are correct.

A **Motion** was made by Stephen Shelley to **table** the application of Gary and Lori Ritzel for a Special Permit at 1777 Manitou Road to the June 2016 meeting without prejudice to allow the applicant time to mail notifications in a timely manner.

**Seconded** by Dan Melville. **Motion carried to table (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Dean Snyder, Jim Zollweg; **Excused**: Tim Thomas).

Chairperson Robillard stated that if anyone is here for this matter, this will probably not be re-advertised and they should check with the Building Department for the new date. Tim Jennings stated that he was here for this matter. He was concerned that this was going to be a puppy mill but after hearing the application and talking to the Art Fritz from Building Department he feels that this is not the case.

## **3. GARY AND LORI RITZEL – 1777 MANITOU ROAD**

The application of Gary and Lori Ritzel, owner, for two area variances at 1777 Manitou Road. The applicants are proposing to construct a 600 square feet addition with a wall height of 13 feet to an existing 576 square feet accessory structure, which would bring the total area of accessory structures on the property to 1,176 square feet. They are requesting relief from Town Zoning Article V, subsection 165-33.C.2 which limits the total area of accessory structures to 600 square feet and Town Zoning Article X, subsection 165-82.C.2 which states in part that the wall height shall not exceed 12 feet. This property is currently zoned Medium Density Residential (MD).

A **Motion** was made by Dan Melville to **table** the application of Gary and Lori Ritzel, owner, for two area variances at 1777 Manitou Road to the June 2016 meeting without prejudice to allow the applicants time to check measurements of the addition.

**Seconded** by Jim Zollweg. **Motion carried to table (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Dean Snyder, Jim Zollweg; **Excused**: Tim Thomas).

## **3. TODD CARTER – 1140 OGDEN PARMA TOWN LINE ROAD**

The application of Todd Carter, owner, for an area variance at 1140 Ogden Parma Town Line Road. The applicant is proposing to construct a 288 square feet addition to an existing 432 square feet accessory structure, which would bring the total area of accessory structures on the property to 720 square feet. They are requesting relief from Town Zoning Article V, subsection 165-33.C.2 which limits the total area of accessory structures to 600 square feet. This property is currently zoned Medium Density Residential (MD). Todd Carter, owner, explained that the existing structure is 18x24. He provided a layout for the existing and proposed addition to the Board. Currently there is a shed next to the existing structure but that would be removed for the addition. The proposed addition will tie into the existing structure but there will not be a door connecting between the two sides. There will be door in the front and a garage door in the back to get things in and out. There will be a porch on the front side of the addition. Chairperson Robillard asked if

there is a setback issue. Art Fritz stated there is not. Mr. Fritz explained that he and Dennis Scibetta measured from the west side of the existing shed for the size they are asking for and there is some room to play.

**Board Discussion:** Art Fritz reported that notifications were in order, the request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required. There were no letters in the file.

**Public Comment: None**

**Public Hearing: Closed**

After discussion, a **Motion** was made by Dean Snyder to **approve** the application of Todd Carter, owner, for an area variance at 1140 Ogden Parma Town Line Road to construct a 288 square feet addition to an existing 432 square feet accessory structure, which would bring the total area of accessory structures on the property to 720 square feet. This grants relief from Town Zoning Article V, subsection 165-33.C.2 which limits the total area of accessory structures to 600 square feet. This property is currently zoned Medium Density Residential (MD).

In making this determination:

- The benefit cannot be achieved by other means feasible to the applicant. The applicant has additional items that need to be stored as listed on the layout provided. By removing the existing shed and placing this in the proposed location it minimizes any visual impact to the neighborhood.
- There will be no undesirable change in neighborhood character or to nearby properties. There is an existing shed there so it will be a negligible difference.
- The request is substantial. Although the request includes a 20% increase over the allowed 600 square feet, it is minimal at this location. If the applicant abides by the 600 square feet the structure would not have the symmetry that is proposed and that would negatively affect the neighborhood.
- There will be no adverse physical or environmental effects.
- Although the alleged difficulty is self-created, when using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community.

**Seconded** by Jim Zollweg. **Motion carried to approve (5-0) (Ayes:** Dan Melville, Veronica Robillard, Stephen Shelley, Dean Snyder, Jim Zollweg; **Excused:** Tim Thomas).

### **3. CHRISTOPHER KLCH – 616 OGDEN PARMA TOWN LINE ROAD**

The application of Christopher Klch, owner, for an area variance at 616 Ogden Parma Town Line Road. The applicant is proposing to construct a 16' x 20' storage structure in the rear yard with a side setback of 5 feet from the east property line and is requesting relief from Town Zoning Article V, subsection 165-33.E.1, Schedule 1, which states that the side setback is to be 10 feet. This property is currently zoned Medium Density Residential (MD).

Chris Klch, owner, explained that he needs more storage. Chairperson Robillard asked why they need a variance. The applicant explained that the yard is wet on the west with the drier side being on the east side of the property. He also explained that there are two mature trees, 50' oak and 30' maple, and he would like to be able to keep them. There will be improved access on this side of the property. There was discussion about the dimensions of the shed. The applicant stated the shed will be 12' x 20' with a 4' porch and overhang. Only the footprint of the structure is included in square footage.

**Board Discussion:** Art Fritz reported that notifications were in order, the request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required. There were no letters in the file.

**Public Comment:**

**Maurice Leone**, 2 Rockridge Circle, he is the neighbor behind this property and he is fine with this.

**Public Hearing: Closed**

There was discussion about the neighbors shed. They felt that this shed is also about 5' from the property line, which would be about the same as this request. The south side of their shed will be just about equal to where her south side of the shed is. Dean Snyder feels that this fits in perfectly and the applicants did a great job.

After discussion, a **Motion** was made by Stephen Shelley to **approve** the application of Christopher Klch, owner, for an area variance at 616 Ogden Parma Town Line Road. The applicant is proposing to construct a 16' x 20' storage structure in the rear yard with a side setback of 5 feet from the east property line and is requesting relief from Town Zoning Article V, subsection 165-33.E.1, Schedule 1, which states that the side setback is to be 10 feet. This property is currently zoned Medium Density Residential (MD).

In making this motion applying the balancing test:

- The benefit cannot be achieved by other means feasible to the applicant. The applicant explained that there is a large wet area on the opposite side of the lot and there are mature trees on the property.
- There will be no undesirable change in neighborhood character or to nearby properties. There is already an existing structure in the neighboring property with a similar setback.
- The request is substantial.
- There will be no adverse physical or environmental effects.
- The alleged difficulty is self-created. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community.

**Seconded** by Jim Zollweg. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Dean Snyder, Jim Zollweg; **Excused**: Tim Thomas).

#### MINUTES OF APRIL 21, 2016

The ZBOA minutes of April 21, 2016 were reviewed. **Motion** was made by Jim Zollweg to **approve** the April 21, 2016 minutes as amended. **Seconded** by Stephen Shelley. **Motion carried to approve (3-0)** (Ayes: Dan Melville, Stephen Shelley, Jim Zollweg; **Abstained**: Veronica Robillard, Dean Snyder; **Excused**: Tim Thomas).

#### ADJOURNMENT

There being no further business, a **Motion** was made by Dan Melville, seconded by Jim Zollweg to adjourn the meeting at 7:49 p.m. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Dean Snyder, Jim Zollweg; **Excused**: Tim Thomas).

Respectfully submitted,

Carrie Webster  
Recording Secretary