

TOWN OF PARMA ZONING BOARD OF APPEALS

Parma Town Zoning Board of Appeals Meeting held on Wednesday, April 17, 2024, at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York

Members Present: Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren, Don Wells (Alternate)

Members Excused: Veronica Robillard

Others Present: Arthur Fritz, ZEO
Maureen Werner, Town Attorney
Dave Ciufio, Town Board Liaison

Public Present: Laurie Dietz, Steve Dietz, Robin Weber, Tim Jobs

The meeting was called to Order by Acting Chairperson Melville at 7:15 p.m. Acting Chairperson Melville explained the function and decision-making process of the Zoning Board of Appeals. This is a five-member board with five members present. A quorum of three is required to pass a motion.

MINUTES OF MARCH 20, 2024

1. Review Minutes from the March 20, 2024, Zoning Board Meeting

The ZBOA minutes of March 20, 2024, were reviewed. A **Motion** was made by Ann Williams to **approve** the March 20, 2024, minutes as amended.

Seconded by Spencer Wren

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren, Don Wells

Excused: Veronica Robillard

NEW BUSINESS ITEMS

2. LAURIE FILLION & STEVE DIETZ, OWNER, 1159 PECK ROAD

The applicant is requesting an area variance to grant relief from Town Zoning Article XI, subsection 165-87(A)(1) for the placement of a 24 ft. x 32 ft. accessory structure located on the west side of the property in the rear yard with a 12 ft. side setback. The Town Code requires a 15 ft. side setback. This property is zoned Agricultural Residential (AC).

Board Discussion: Arthur Fritz reported notifications were in order. There were no comments from Monroe County. This is a Type II action; no further review required. There are no letters in the file.

Steve Dietz, owner, said he is looking to build the structure for storage and to use as a workshop. Things he will be storing include a camper, corvette, and belongings in the garage so they can use that space as a garage instead of storage. Requested placement of the structure is because of

other structures on the property, a pool and the view by both the homeowner and neighbors. They will be removing the lean to from the current structure on the property. The structure will be metal and sit 4 ft. from the current structure on the property. The applicant was told the structure will need to be fire rated because it is less than 4 ft. from the other structure.

Acting Chairperson Melville asked if they had considered a smaller building. The applicant stated they have already made the building smaller than what they originally wanted.

Public Comment: None

Public Hearing: Closed

A motion was made by Ann Williams to **approve** the application of Laurie Fillion and Steve Dietz, owner of 1159 Peck Road, requesting an area variance to grant relief from Town Zoning Article XI, subsection 165-87(A)(1) for the placement of a 24 ft. x 32 ft. accessory structure located on the west side of the property in the rear yard with a 12 ft. side setback. The Town Code requires a 15 ft. side setback. This property is zoned Agricultural Residential (AC).

Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant due to the septic system, the pool and the neighbor's view.
- There will be *no* undesirable change in the neighborhood character or to nearby properties.
- The request *is* substantial, but the applicant showed that the structure needs to be parallel with the other building on the property. The applicant is to receive a building permit for the structure and adhere to all parts of the code.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is not self-created. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community. This is the minimum variance the Board can grant.

The lean to on the current building is to be removed.

Seconded by Spencer Wren

Ayes: Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren, Don Wells

Excused: Veronica Robillard

3. WILLIAM WEBER, OWNER, 356 NORTH AVENUE

The applicant is requesting an area variance to grant relief from Town Zoning Article XI, subsection 165-87(A)(2) for the placement of a 24 ft. x 24 ft. addition to the existing accessory structure located on the rear yard with a 6 ft. rear setback. The Town Code requires a 23.7 ft. rear setback. This property is zoned Agricultural Residential (AC).

Board Discussion: Arthur Fritz reported notifications were in order. There were no comments from Monroe County. This is a Type II action; no further review required. There are no letters in the file.

Robin Weber, owner, said the plan is to add an addition to the existing side of the barn. There is no variance for the current structure because it was built prior to the new code and at that time 5 ft. was allowed. The applicant provided a diagram of what will be stored inside the structure.

Public Comment: None

Public Hearing: Closed

A **motion** was made by Stephen Shelley to **approve** the application of William Weber, owner of 356 North Avenue, requesting an area variance to grant relief from Town Zoning Article XI, subsection 165-87(A)(2) for the placement of a 24 ft. x 24 ft. addition to the existing accessory structure located on the rear yard with a 6 ft. rear setback. The Town Code requires a 23.7 ft. rear setback. This property is zoned Agricultural Residential (AC).

Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant without creating undesirable changes to the lot.
- There will be *no* undesirable change in the neighborhood character or to nearby properties. The current structure already sits 5 ft. off the property line because 5 ft. was allowed under the code when it was built.
- The request *is not* substantial. This will be added to the side of the current structure.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is not self-created. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community. This is the minimum variance the Board can grant.

Seconded by Ann Williams

Ayes: Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren, Don Wells

Excused: Veronica Robillard

OTHER INFORMATION

ADJOURNMENT

There being no further business, a **Motion** was made by Ann Williams to adjourn the meeting at 7:35 p.m.

Seconded by Spencer Wren

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Ann Williams, Spencer Wren, Don Wells

Excused: Veronica Robillard

Respectfully submitted,

Carrie Fracassi
Recording Secretary