

TOWN OF PARMA ZONING BOARD OF APPEALS

Parma Town Zoning Board of Appeals Meeting held on Wednesday, August 21, 2024, at
the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York

Members Present: Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Ann Williams

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

Public Present: Russell Raimondi, John Jurs

The meeting was called to Order by Chairperson Robillard at 7:00 p.m. Chairperson Robillard 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 JULY 17, 2024

1. Review Minutes from the July 17, 2024, Zoning Board Meeting

The ZBOA minutes of July 17, 2024, were reviewed. A **Motion** was made by Stephen Shelley to **approve** the July 17, 2024, minutes as amended.

Seconded by Dan Melville

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Ann Williams

TABLED FROM THE JULY 17, 2024, MEETING

2. JOHN JURs, OWNER, 42 MARJORIE LANE

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-34 (C) (2), Article X, subsection 165-82 (C) (2) for the construction of a 1,280 sq. ft. accessory structure to be located south of the existing home which is considered a front yard. The Town Code limits accessory structures to 400 sq. ft. and is by definition a thru lot with frontage on two streets thereby having two front yards and no rear yard. This property is zoned High Density residential (HD).

This application was tabled at the July Zoning Board of Appeals meeting to allow the applicant time to address the concerns with the height and total square footage of all structures on the property and the door on the Wilder roadside of the building.

John Jurs said he came to the Town and got a permit for the pool house, and he reduced the size of the requested building to keep the square footage under the advertised square footage. He will landscape around the building and there will be no access through Wilder

Road even with the rear door on the plans. He stated he removed the friends' equipment from the property. Spencer Wren asked about the shed on the property. The applicant said he will be removing it.

Public Comment: *NONE*

Public Hearing: **Closed**

A motion was made by Dan Melville to **approve** the application of John Jurs, owner of 42 Marjorie Lane, for an area variance and grants relief from Town Zoning Article V, subsection 165-34 (C) (2), Article X, subsection 165-82 (C) (2) for the construction of a 1,280 sq. ft. accessory structure to be located south of the existing home which is considered a front yard. The Town Code limits accessory structures to 400 sq. ft. and is by definition a thru lot with frontage on two streets thereby having two front yards and no rear yard. This property is zoned High Density residential (HD). Considering the balancing test, the Board finds the following:

- The benefit cannot be achieved by other means feasible to the applicant because he has no rear lot there are no other options for placement.
- There will be no undesirable change in the neighborhood character or to nearby properties. The applicant said he will be screening the structure with trees.
- The request *is* substantial, but the applicant has shown the need.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty is not self-created due to the layout of the property. 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.

This approval is contingent upon the applicant removing the current storage shed on the property and that there will be no access to the structure through Wilder Road.

Seconded by Stephen Shelley

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Ann Williams

NEW BUSINESS

3. RUSSELL RAIMONDI, OWNER, 38 SPENCER ROAD

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-31 (E) (1) (schedule 1), for the construction of a pole barn located on the north side of the property in the rear yard with a 10 ft. side setback. Town code requires a 25 ft. side setback. This property is zoned Agricultural Residential (AC).

Attorney Werner said she has to recuse herself for this application as the Raimondi's are her clients.

The applicant said he is looking to construct a 30 x 54 barn with 9 ft. sidewalls. This will be used to store a boat, ATV's and personal belongings. The septic system and a drainage issue in the rear yard dictates the placement of the structure.

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

Public Comment: *NONE*

Public Hearing: Closed

A **motion** was made by Ann Williams to **approve** the application of Russell Raimondi, owner of 38 Spencer Road, for an area variance and grants relief from Town Zoning Article V, subsection 165-31 (E) (1) (schedule 1), for the construction of a pole barn located on the north side of the property in the rear yard with a 10 ft. side setback. Town code requires a 25 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.
- There will be no undesirable change in the neighborhood character or to nearby properties.
- The request *is* substantial, but the applicant showed the board the need for the placement due to the septic system and there were no complaints from any neighbors.
- 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. This is the minimum variance the Board can grant.

Seconded by Spencer Wren

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Ann Williams

4. KRIS & CRYSTAL HELFER, OWNER, 594 PARMA CENTER ROAD

The applicant is requesting an area variance to grant relief from Town Zoning Article V, subsection 165-31 (E) (1) (schedule 1), Article XVI, subsection 165-128 (B) (1), Article XVI, subsection 165-29 (B) (1), for the construction of an inground swimming pool on the west side of the lot with a 10 ft. side setback and a 55 ft. front setback. A 6 ft. privacy fence on the west side of the house with a 5 ft. side setback from the west lot line. The is pre-existing non-conforming with a 49 ft. front setback and should be brought into compliance with the other variance requests. Town code requires a 25 ft. side setback and a 75 ft. front setback. This property is zoned Agricultural Residential (AC).

Kris Helfer said the fence was erected without a permit and he is asking to be able to keep it located in this location, he stated he understood if this is not approved, he will need to remove it. He stated the request for location is due to the septic system behind the house and moving the pool (16' x 36') further back on the property would place it far away from the house. The house was constructed 49 ft. from the road prior to the current zoning.

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

1. Letter from Gary Sharpe emailed stating he will be in close proximity to the proposed inground pool, and he has no issue with the construction and placement.

2. James Eichas sent a letter stating he has no issue with the pool on the property and will have no impact on the farm operations.

Public Comment: *NONE*

Public Hearing: Closed

Dan Melville does not feel the applicant has any other options without placing the pool far away from the house.

A motion was made by Dan Melville to **approve** the application of Kris and Crystal Helfer, owner of 594 Parma Center Road, for an area variance and grants relief from Town Zoning Article V, subsection 165-31 (E) (1) (schedule 1), Article XVI, subsection 165-128 (B) (1), Article XVI, subsection 165-29 (B) (1), for the construction of an inground swimming pool on the west side of the lot with a 10 ft. side setback and a 55 ft. front setback. A 6 ft. privacy fence on the west side of the house with a 5 ft. side setback from the west lot line. The is pre-existing non-conforming with a 49 ft. front setback and should be brought into compliance with the other variance requests. Town code requires a 25 ft. side setback and a 75 ft. front 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 location of the septic system and leach field.
- There will be no undesirable change in the neighborhood character or to nearby properties. The pool will be screened by the fence, the pool placement is to keep it closer to the house and the house placement predates the current code.
- The request *is* substantial, but this is the best placement for the structures.
- 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 Stephen Shelley

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Ann Williams

OTHER INFORMATION

It was noted this meeting will be Ann Williams' last meeting as she will be taking a position in the Assessor's Office. The board wished her the best of luck.

ADJOURNMENT

There being no further business, a **Motion** was made by Ann Williams to adjourn the meeting at 7:39 p.m.

Seconded by Stephen Shelley

Motion carried to approved (5-0)

Ayes: Dan Melville, Stephen Shelley, Veronica Robillard, Spencer Wren, Ann Williams

Respectfully submitted,

Carrie Fracassi
Recording Secretary