**Zoning Board of Appeals March 8, 2017 Public Hearing and Regular Meeting Minutes**

The meeting was held in the Aurora Firehouse meeting room at 7:00 pm

**Present:** Chairperson Karen Hindenlang, Alexis Boyce, Laura Holland, Ann Tobey, and Jeri Vargo

**Others Present:** Village Clerk Ann Balloni, Village Code Enforcement Officer Patrick Doyle, Aurora Free Library representative Kelley Zabriskie, and village residents Rufus Bates and G. Alan Clugston

**Call to Order:** Ms. Hindenlang called the meeting to order at 7:00 pm and welcomed new ZBA member, Alexis Boyce

**Changes to the Agenda:** The public hearing will come before the regular meeting.

**Public Hearing**

Ms. Hindenlang called the public hearing to order at 7:01 pm

**Application #17-06 from Rufus Bates for an Area Variance for a new porch at 366 Main St (Tax Map #182.13-1-22)**

Ms. Hindenlang asked the code enforcement officer, Patrick Doyle, to explain his denial of Application #17-06. Mr. Doyle replied that the north side setback of the porch does not meet the requirement of 10’ noted in Section 503, Dimensional Table, of the village zoning law. The proposed porch continues an existing encroachment of the north line of the house of 7’ 4”, requiring a 2’ 6” variance.

Mr. Doyle further noted that the variance requested equals 17% of the total building coverage and village law allows for a maximum of 30%. Mr. Doyle confirmed that the addition is a one-story, covered porch measuring 8’x 15’ and that the 8’ length of the proposed porch is less than 3% of the total north side lot setback.

Mr. Bates remarked that the proposed porch is in keeping with the architectural style of the house and improves the view from the north.

Ms. Hindenlang noted that a south side sunroom is proposed for demolition, but that project is not relevant to ZBA review although it was included on the application.

**Public Comment:** Kelly Zabriskie, vice president of the Aurora Free Library, noted that the library borders Mr. Bates property along the north side. Ms. Zabriskie remarked that she had a conversation with the Aurora Free Library president, though not the full board, and they agreed that Mr. Bates project will not have an effect on the library.

On motion by Ms. Vargo, seconded by Ms. Tobey, the ZBA voted to close the public hearing at 7:07 pm.

AYES: Boyce, Hindenlang, Holland, Tobey, and Vargo

NAYS: None

Motion carried unanimously

Ms. Hindenlang called the regular meeting to order at 7:08 pm

**Approval of Minutes:** On motion by Ms. Tobey, seconded by Ms. Vargo, the ZBA voted to approve the January 11, 2017 minutes.

AYES: Boyce, Hindenlang, Holland, Tobey, and Vargo

NAYS: None

Motion carried unanimously

**Announcements:** Ms. Hindenlang and Ms. Balloni discussed upcoming training opportunities with the board members. Several members plan to attend the April 19th session on zoning enforcement, Ms. Boyce and Ms. Vargo are attending the New York Planning Federation conference March 26-28, and Ms. Boyce and Ms. Tobey are attending the March 15th training on planning and zoning.

**Old Business:** No Old Business was discussed.

**New Business**

**Application #17-06 from Rufus Bates for an Area Variance for a new porch at 366 Main St (Tax Map #182.13-1-22)**

Ms. Hindenlang noted that she and Ms. Holland visited the site on February 21, 2017 and Ms. Holland visited again with Ms. Boyce later that same day. Ms. Hindenlang remarked that the proposed porch will not hinder the emergency exit on the south side of the Aurora Free Library.

Ms. Holland remarked that the addition is small in scope and is a benefit to the applicant.

Ms. Boyce noted that the proposed construction did not create a new encroachment in the setback area, but continued an existing one for a short distance.

The ZBA then reviewed the five criteria for consideration of an area variance and determined the following:

**Tax Parcel Number: 182.13-1-22 Application #17-06**

**ZBA RESOLUTION 17-02 — DECISION ON AREA VARIANCE**

At a regular meeting of the Village Zoning Board of Appeals of the Village of Aurora, in Cayuga County, held at the Village Meeting Room in said Village on the 8th day of March 2017, at 7 P.M., prevailing time, the meeting was called to order by the Chair and upon roll being called, the following were:

PRESENT: Alexis Boyce, Karen Hindenlang, Laura Holland, Ann Toby, and Jeri Vargo

ABSENT: none

The following resolution was offered by Board Member Ann Tobey who moved its adoption, and seconded by Board Member Alexis Boyce, to wit:

**WHEREAS,** the Zoning Board of Appeals of the Village of Aurora received an application from Rufus Bates (17-06) for a variance of Section 503 (Dimensional Table) of the Zoning Law of the Village of Aurora to permit construction of a one-story covered porch on the north-east corner of this house at 366 Main Street, that would encroach 2.6 feet into the required 10 foot setback, for a length of 8 feet running eastwards along northern property line; and

**WHEREAS,** in connection with such application, the Zoning Board has received and reviewed an application, dated February 13, 2017; conducted site visits on February 21, 2017, held a public hearing on March 8, 2017, and received comments thereat from Code Enforcement Officer Patrick Doyle, applicant Rufus Bates, Aurora Free Library Board of Trustees Vice President Kelley Zabriskie; and

**WHEREAS,** after review, the Zoning Board has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

1. The requested variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties in that the relatively small addition will not be seen readily from Main Street or Cherry Avenue, nor would it block views of the landscape or other buildings or negatively effect the Aurora Free Library, and the additional small back porch would be in keeping with the architectural style and residential purpose of the house;

B. The benefits sought by the applicant cannot be achieved by some other feasible means because the proposed porch location will serve to improve a significant roof-water drainage problem and cover the outside basement doors which allow rain-water into the basement;

C. The requested variance is not substantial in that it does not create a new incursion into setback area, but continues an existing one of 2.6 feet (created by the grand-fathered “office addition” on the northern side of the house) for another eight feet along the northern property line, and this eight feet is less than 3% of the total length of the deep lot’s property line;

D. The proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because it will not increase housing congestion, impact traffic flow, create noise, or produce pollution, and it would not impede emergency exit from the Aurora Free Library; and

E. The alleged difficulty was not self-created because the applicant is attempting to improve the existing water drainage problem at the north-east corner of the house in a manner compatible with the style of the original construction

**NOW, THEREFORE, BE IT RESOLVED** that the application of Rufus Bates for approval of a variance of Section 503 (Dimensional Table) of the Zoning Law of the Village of Aurora is hereby granted for the reasons stated above.

The question of the foregoing resolution was duly put to a vote as follows:

Alexis Boyce AYE

Karen Hindenlang AYE

Laura Holland AYE

Ann Tobey AYE

Jeri Vargo AYE

Dated: March 8, 2017

**Appeal of Application #16-45:** Ms. Holland recused herself from the discussion at 7:35 pm.

Ms. Hindenlang informed the board members that Ms. Holland’s family filed an appeal to the ZBA on March 2, 2017, too late for inclusion in this evening’s meeting.

Ms. Vargo and Ms. Hindenlang are not available for the April 12th ZBA meeting and, without Ms. Holland, a quorum won’t be present for the review. Ms. Hindenlang asked the members to check their calendars for May 10th and all are available to attend. Ms. Hindenlang asked the Village Clerk if she would write a letter to notify Ms. Holland that her appeal would be heard on May 10.Ms. Hindenlang informed the members that additional materials may yet be submitted to the file and suggested they need not review it until later next month, and indicated that the full board should plan on a shared, duly noticed site visit sometime after Easter.

**Adjournment:** On motion by Ms. Vargo, seconded by Ms. Tobey, the ZBA voted to adjourn the meeting at 7:40 pm.

AYES: Boyce, Hindenlang, Holland, Tobey, and Vargo

NAYS: None

Motion carried unanimously

Respectfully submitted,

Ann Balloni

Village Clerk