

Town of Bristol
Zoning Board of Appeals
Minutes of December 12, 2017

Present: Marty Snyder, Jen Sanford, John Krebbeks and Sandra Riker, Secretary and Alternate

Excused: Donna Beretta and Steve Smiley

Others Present: Jim and Sheree Albright

Alternate: Chairman Snyder asked that Sandra Riker act as the alternate member to the Board this evening in view of the absence of Beretta and Smiley. ***A motion was made by Marty Snyder with a second by Jennifer Sanford to allow Sandra Riker to act in the Alternate position for this meeting. All Board members present agreed.***

Minutes: The minutes of October 10, 2017 were reviewed and noted the date was incorrect and needed to be changed from October 17 to October 10. After making this change the minutes were approved by all present.

Albright Area Variance: The public hearing notice was read and the hearing opened by Chairman Snyder. Sheree Albright said her parents bought the land on Johnson Hill Dr. many years ago and bring their children there to play and enjoy it. In the nineties her parents built a home on the land as their retirement home. The parents have both passed away leaving this parcel along with an adjacent parcel to all of the children. She and Jim have lived there in the parent's home for the last six years and are in the process of buying out her brothers and sisters for the parcel the home is located on. Jim Albright advised the Board they would like to put a large 2 car garage addition on the home. However, the house sits too close to the lot line to allow for the side setback of 25' for the accessory building. This is why they are here tonight to request an area variance of 10' to allow placing the rear corner of the accessory building to be 15' from the lot line. The building is angled so the front corner will meet the setback requirement with no problem.

Sandra Riker advised the Board she had received a fax from the Law Office of Mark A. Young advising that the Albrights are purchasing the property at 5205 Johnson Hill Drive and the transaction should be completed shortly. We have also received a copy of the purchase agreement showing that the brothers and sisters of Sheree have agreed to the sale. While there is no public present for this hearing we have received communication from 2 of the neighbors within 500' of 5205 Johnson Hill Drive. Sandy Ressler sent a letter advising us she has no objection to the variance being granted. Debbie McNaughton of 6280 Dugway Road called and asked if the project would have any impact to the stream nearby producing more stormwater runoff? Jim Albright answered her concern by saying they had replaced the septic system within the last year with a Presby raised bed system designed and approved by Grove Engineering. When it was installed Bill Grove had a 8" culvert pipe made of perforated pvc placed underground to the back of the system with rip rap at the end to keep runoff water from the system and divert it to the stream.

Even though two of the neighboring properties were in the Town of Canandaigua Ontario County Planning Board did not need to see this application based on the fact there was only one variance involved and the property was not located on Canandaigua Lake.

Chairman Snyder asked if the Board had any questions for the Albrights and no one replied. The public hearing was then closed.

The Board reviewed the Environmental Review Assessment and after addressing all 11 questions with the fact that no, or small impact may occur this project will not result in any significant adverse environmental impacts on the neighborhood. ***A motion was made Marty Snyder with a second by Jennifer Sanford that a Negative Declaration should be declared. The Board voted as follows: Snyder aye, Sanford aye, Krebbeks aye, and Riker aye.***

The Board then reviewed the Criteria for an Area Variance and found the following:

1. The Board agreed there would not be an undesirable change produced in the character of the neighborhood as attested by the positive letter from one of the neighbors.
2. The Board agreed there is no alternate location as a feasible alternative to a variance. Due to the steep terrain of the area there is no other place to put the accessory (garage) building and its proposed location is at the end of the driveway.
3. The Board does not feel the request for a reduction of 10' from the required 25' is substantial as it is less than 50%.
4. The Board agreed that the variance will not have an adverse impact on the neighborhood or environmental conditions in that the accessory (garage) building will be built to blend with the existing home.
5. The Board agreed that the alleged difficulty is not self-created as the topography of the parcel does not allow for any other place for the accessory (garage) structure.

A motion was made by Marty Snyder with a second by Jennifer Sanford to grant an area variance of 10' off the north property line to place the rear corner of the accessory (garage) structure at 15' from the side lot line. The Board polled as follows: Snyder aye, Sanford aye, Krebbeks aye, and Riker aye.

Other Business: Chairman Snyder shared with the Board a summary of the ZBA activity for 2016 and 2017. The breakdown is as follows:

- In 2016 we had two area variance requests regarding the height of the building. The Town currently has a requirement that it should not exceed 30'. Upon research we have found that most of the towns around us have raised their height requirement to 35' to allow for the type of homes being built today. Both variances were approved. The Board is working on putting together a change to 35' for the Town of Bristol but is waiting on a comment from the Fire Chief for the BVFD if this would present a problem for them.
- With regard to building height are current definition reads: "the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the roof." John Krebbeks suggested removing the "front" of the building from the definition.
- Home Occupation continues to be a problem with the restriction of 750 square feet as the allowed sized for the accessory building if this is where the occupation is to be conducted. Jen

Sanford mentioned that the actual definition for an accessory structure in our current zoning reads “accessory building-a detached building on the same lot with and of a nature customarily incidental and subordinate to the principal structure.” Her comment is why not just remove the size restriction from the home occupation definition and refer to the current accessory building definition stressing of a nature customarily incidental and subordinate to the principle structure as well as to the definition of “accessory use-a use on the same lot with and of a nature customarily incidental and subordinate to the principle use.”

- Corner Lot requirements- in August of 2015 the ZBA reviewed an area variance request for a parcel located on a corner lot and the following precedent was set by the ZBA decision: ***This application has set a precedent with regard to lot line requirements for a corner lot in the town of Bristol. A corner lot would have two front yards, two side yards and no back yard. The Secretary will share this with the Planning Board so a new definition of corner lot with its requirements can be added to the zoning regulations.***

The Secretary will be sure that the Planning Board has a copy of the draft ZBA minutes prior to their next meeting to help them work on definition work to be updated. Chairman Snyder asked the Board to review all definitions in our current zoning to see if anything else might need adjusting and share with him so he can submit it to the Planning Chair, Patti Giordano.

A motion was made by John Krebbeks to adjourn the meeting with a second by Marty Snyder.

Respectfully submitted,

Sandra Riker

Secretary to the Planning and ZBA Boards

Town of Bristol

January 9, 2018 the minutes of December 12, 2017 were approved with a motion by Jen Sanford and a second by John Krebbeks. All Board members present approved.

The Board also reviewed the minutes from the Joint Meeting of December 4th and approved them with a motion made by Steve Smiley and a second by Jen Sanford. All Board members present approved.