

MINUTES OF A MEETING OF THE
VILLAGE OF AVON ZONING BOARD OF APPEALS
MONDAY, JUNE 20, 2016
7:00 PM, VILLAGE HALL

I. ATTENDANCE

Daniel Freeman, Chairman
James Gerace
Barbara Sadden

ABSENT

Richard K. Hite
Ernest Wiard

QUORUM, 3 Present, 2 Absent

Brian Glise, Fire Marshal

GUESTS

Christopher Coyne, 181 High Street
Dale McAdam, 173 East Main Street
Susan Ware, 173 East Main Street

II. APPROVAL OF THE MINUTES

June 6, 2016 minutes – incomplete, no action taken

III. OLD BUSINESS

Use Variance Application
Susan Ware & Dale McAdam
173 East Main Street, Avon

Resumption of the use variance public hearing, begun June 6, 2016, for Susan Ware and Dale McAdam. The applicants were seeking to harbor a miniature horse on their residential property at 173 East Main Street contrary to Chapter 54 of the Municipal Code. Said chapter prohibited the keeping of horses in any building or on any property other than in an agricultural district.

Freeman called for an executive session at 7:06 PM to discuss advice given by Village Attorney Reid Whiting. The Board returned to open session at 7:18 PM.

The legal advice, Freeman stated, had been to act on the variance application as submitted.

Ware said they would withdraw their application.

McAdam said there was a problem with the law.

Ware added, not with us.

McAdam followed-up, saying, "We withdraw our application."

And, Ware added, "We're going to get one (a miniature horse) anyways."

Freeman advised Ware and McAdam to approach the Village Board – they had never considered miniature horses before the Amazon Prime TV advertisement, featuring the song, “Little Man,” and a miniature horse ostracized by a herd of full-sized horses.

APPLICATION WITHDRAWN

APPLICANTS ADVISED TO SEEK

CHANGE IN LAW FROM THE VILLAGE BOARD

We’ll withdraw the use variance application, Ware reiterated.

The Zoning Board of Appeals wasn’t suggesting Ware and McAdam go before the Village Board just to get them out of their hair, Gerace related. The Village Board had the power to change the law and had changed it before, he noted.

Freeman suggested Ware and McAdam could help themselves, but also pave the way for someone else down the road, by taking their request before the Village Board.

They could “house-train” a miniature horse, Ware continued making her case to Board members, adding they had “little baggies,” and, as she had said before, *Begin Again Horse Rescue* had been out, looked over their property and found it suitable for a miniature horse.

Ware and McAdam’s 173 East Main Street property was 74 feet wide and 300 feet deep, bordered by a recently rehabbed house to the east, owned by Willis Curtis and up for sale, the John Dowd home at 167 East Main Street was to the west and Hunter Hall Apartments to the south.

Gerace thanked Ware and McAdam for being so kind and patient throughout the use variance application process.

IV. NEW BUSINESS

A. Use Variance Application

Steven and Patricia Brede

70 Temple Street, an R-1, One Family Residential, property

The applicants were asking to use their 2-family house, temporarily, as a 1-family house due to lower-level damages caused by flooding July 28, 2014. Such action would lower the Brede’s water/sewer bill. The Planning Board had voted to forward a positive recommendation to the Zoning Board of Appeals (ZBA) at their meeting of June 21, 2016, and the ZBA would take-up Brede’s application at their next meeting.

B. Area Variance Application

Terrance Lischer

4503 South Livonia Road

Livonia, NY 14487

The applicant was seeking a variance to the 15-foot side yard setback requirements the R-1, One Family Residential, district for a vacant property at 184 East Main Street. Lischer was hoping to build a 45-foot, 8-inch wide, ranch on the property. According to tax records, the property was 64 feet wide and 163 feet deep. The Planning Board had voted to forward a positive recommendation to the Zoning Board of Appeals at their meeting of June 21, 2016, and the ZBA would take-up the application at their next meeting.

V. **ADJOURNMENT**

MOTION: Gerace moved for adjournment at 7:37 PM, seconded by Sadden. Voting in favor were: Freeman, Gerace and Sadden. Voting against were: none.

CARRIED, 3 Ayes, 0 Nays

Gary Margiotta
Deputy Clerk