

PLANNING & ZBA MEETING

MONDAY, JULY 15, 2024

MEMBERS PRESENT: PLANNING: MEETING CANCELED DUE TO NO AGENDA ITEMS FOR THEM

ZBA: JEFF MULLIGAN, CINDY KELLEN, KITTY BRESSINGTON

ABSENT: DIANE ATTEA, BOB WESTFALL

OTHERS: BRIAN GLISE (CEO, AVON)

VISITORS: JAKE SMITH, NICHOLAS DAVIS

CLERK: KIM MCDOWELL

Jeff Mulligan called the meeting to order and reviewed the emergency exists to all present

The ZBA Board members, as well as Brian Glise and Kim McDowell introduced themselves to those present.

MOTION TO OPEN THE MEETING WAS MADE BY KITTY BRESSINGTON; SECONDED BY CINDY KELLEN.

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- ABSENT
DIANE ATTEA - ABSENT
KITTY BRESSINGTON -AYE

CARRIED 3-0.

ZBA Board members decided to wait until next meeting to approve the June 17, 2024 meeting minutes.

JAKE SMITH, ACTING AGENT FOR NICHOLAS DAVIS/6322 NORTH AVON ROAD/TAX MAP#26.-1-21.32/ZBA VARIANCE - SIDE SETBACK FOR ADDITION

Jake Smith and Nicholas Davis were present to discuss this application.

Jeff Mulligan asked if Mr. Davis could give an overview since he was absent at last month's meeting.

Mr. Davis would like to do a 26x15 addition of a bedroom and bathroom. The side setback will need to be 22 feet from the line requiring an 18-foot variance. They have tried to figure out a different spot for the addition. If they went behind the

garage, there are leach lines and the cost of installing the utilities would be greater than what they can afford. The addition will look normal with the current house if the variance is granted.

The lot is currently 2.83 acres which is a pre-existing, non-conforming lot and the house currently sits 37 feet from the lot line.

Mr. Davis submitted a letter from the neighbors on the East side stating they have no problem with the addition.

MOTION TO OPEN PUBLIC HEARING WAS MADE BY CINDY KELLEN; SECONDED BY KITTY BRESSINGTON.

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- ABSENT
DIANE ATTEA - ABSENT
KITTY BRESSINGTON -AYE

CARRIED 3-0.

There were no public comments.

Jeff read the SEQR Resolution to all present.

TOWN OF AVON ZONING BOARD OF APPEALS RESOLUTION
NICHOLAS DAVIS
6322 NORTH AVON ROAD - TM# 26.-1-21.32
AREA VARIANCE APPLICATIONS - SETBACK

SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Avon Zoning Board of Appeals (hereinafter referred to as the "Board of Appeals"), is considering Area Variance Application for an addition to be built on to the single-family dwelling located at 6322 North Avon Road. The variance application is for allowable side setback, as the project proposes a twenty-foot side setback where 40 feet is required for a single-family dwelling, as described in the application and discussed at the July 15, 2024, ZBA meeting; and
NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Appeals does hereby classify the above-referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the Board of Appeals in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Kitty Bressington and seconded by Cindy Kellen at a meeting of the Zoning Board of Appeals held on Monday, July 15, 2024. Following discussion thereon, the following roll call vote was taken and recorded:

Jeff Mulligan - AYE
Cindy Kellen - AYE
Bob Westfall - ABSENT
Diane Attea - ABSENT
Kitty Bressington - AYE

I, Kim McDowell, Clerk of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Avon Zoning Board of Appeals for the July 15, 2024, meeting.

Kim McDowell, L.S.
Kim McDowell, Clerk of the Board

MOTION TO CLOSE PUBLIC HEARING WAS MADE BY KITTY BRESSINGTON; SECONDED BY CINDY KELLEN.

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- ABSENT
DIANE ATTEA - ABSENT
KITTY BRESSINGTON -AYE

CARRIED 3-0.

Jeff read the variance questions to the Board.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance - NO
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance - NO
3. Whether the requested area variance is substantial - NO

4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district - NO
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance - YES

TOWN OF AVON

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BUILDING AND ZONING DEPARTMENT

ZONING BOARD OF APPEALS DECISION SHEET

Project Name/Number: Davis Area Variance
Hearing Date: July 15, 2024

Subject Property Address: 6322 North Avon Rd. **Zoning District:** Agricultural (AG)

Variance Application: Area Variance **Tax Account #:** 26.-1-21.32

Agenda Item: Seeking an area variance for a twenty-foot side setback where 40 feet is required for a single-family dwelling.

Motion made by: Kitty Bressington **Seconded by:** Cindy Kellen

Board Members	Present	Motion		Recusal
		Aye	Nye	
1. Jeffery Mulligan, Chairman	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Cindy Kellen	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Bob Westfall		<input type="checkbox"/>	<input type="checkbox"/>	
4. Diane Attea		<input type="checkbox"/>	<input type="checkbox"/>	
5. Kitty Bressington	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Alternate: _____		<input type="checkbox"/>	<input type="checkbox"/>	

Approved:

Denied:

Conditions:

1. Commencement of the project is to occur within one (1) year from the approval date or the variance will be deemed null and void.
2. Any modification to the plans, variance, and/or project will require the application to be re-reviewed by the Zoning Board of Appeals and any prior approvals granted

be deemed null and void.

MOTION TO CLOSE THE MEETING WAS MADE BY KITTY BRESSINGTON;
SECONDED BY CINDY KELLEN.

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- ABSENT
DIANE ATTEA - ABSENT
KITTY BRESSINGTON -AYE

CARRIED 3-0.

MEETING CLOSED.