

CHILI ZONING BOARD OF APPEALS  
September 23, 2014

A meeting of the Chili Zoning Board was held on September 23, 2014 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Adam Cummings.

PRESENT: Fred Trott, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: Ed Shero, Building & Plumbing Inspector.

This is a draft only and has not been filed according to Section 106 of the Public Officers Law. These are not certified verbatim minutes; they are a summary of the meeting. These minutes have not been approved by the Chili Zoning Board, and therefore, are subject to change.

ADAM CUMMINGS: Any issue with the sign?

The Board indicated they had no problem with the notification sign.

1. Application of Patricia Mazzullo, owner; 104 Battle Green Drive, Rochester, New York 14624 for variance to erect a 10' by 14' shed 5' from side lot line (8' required) and 5' from rear lot line (8' required) at property located at 104 Battle Green Drive in R-1-15 zone.

Patricia Mazzullo was present to represent the application.

MS. MAZZULLO: My name is Patricia Mazzullo and I reside at 104 Battle Green Drive. We are -- or I am looking to have a shed installed. It's a pre-made shed. I think you have a picture of it. It looks like a little house, and just wanted to put it a little bit further back in the lot so it wasn't so close to the house. If you don't have a picture, I have one with me.

ADAM CUMMINGS: It was in our packet. We did receive that. And then there was also the sheet for -- the costing sheet for what you were looking for.

MS. MAZZULLO: Right.

ADAM CUMMINGS: And then as I posted up there, that is your site plan, correct?

MS. MAZZULLO: Correct.

ADAM CUMMINGS: In the back corner, 5 feet by 5 feet?

MS. MAZZULLO: Yes, sir.

ADAM CUMMINGS: From the side and the rear.

MS. MAZZULLO: It can't go on the other side because of the easement.

ADAM CUMMINGS: Because of the easement.

MS. MAZZULLO: Uh-huh.

ADAM CUMMINGS: And so you're looking for 3 feet. Just curious, so we can document the justification as to why you can't shift it --

MS. MAZZULLO: Further in and up?

ADAM CUMMINGS: Yeah, the 3 feet.

MS. MAZZULLO: Well, just the way it's going to look basically.

ADAM CUMMINGS: Okay.

MS. MAZZULLO: Basically cosmetic reason. It will end up being closer to the deck than I would prefer it to be. I have done some work on the front with gardens and things and just trying to make the house look better. With the shed, which I need for storage, it would be better if it was a little bit further back.

ADAM CUMMINGS: So looking at it, it look likes -- 50.3 feet from the rear to the house -- from the rear lot line to the house?

MS. MAZZULLO: Correct.

ADAM CUMMINGS: Then you will have 15 feet from the measurement from the lot line to the beginning of the shed and 10 feet, so there is how I get to 35 feet.

How -- how -- how big is your deck? Estimate-wise.

MS. MAZZULLO: It's 16 or 18 feet, I believe.

ADAM CUMMINGS: Okay. And that -- it is probably this way (indicating) -- How far

MS. MAZZULLO: The color is actually tan. My house is a tan color. But it will have the same color shutters and roof -- it's a cedar color.

JAMES WIESNER: That's all I have.

FRED TROTT: What about moving it from the side lot line in? I notice your house is like 8 -- 8.7 feet. That would keep your shed in line with the house.

MS. MAZZULLO: With the house.

FRED TROTT: As you're looking down.

MS. MAZZULLO: Again, it was -- it was just 5 -- just 5 feet. Just what I was looking for. I -- I can't argue why it has to be there honestly.

FRED TROTT: I don't have a problem with the back, because she backs up to that Wegmans property. But looking at her house, you know, to have that 3 feet shown --

ADAM CUMMINGS: Uh-huh.

FRED TROTT: If it was equal with the house, I think it would give a better look.

MS. MAZZULLO: I can't argue. I -- that's just what I want. Other people have sheds that you can see that are not in line with their house, so.

ED SHERO: Just that a building permit will be required.

MS. MAZZULLO: Right. We have already gone -- well, we haven't gotten it yet because we had to wait for this.

FRED TROTT: Will there be any kind of foundation for this?

MS. MAZZULLO: Yes, Van Putte. I have an estimate -- I don't think it is in your packet, what is going to be put in.

FRED TROTT: Will they put in footers?

MS. MAZZULLO: Can I bring it up to you?

FRED TROTT: Sure.

MS. MAZZULLO: Crushed stone and whatnot.

FRED TROTT: Will they put a concrete slab in?

MS. MAZZULLO: No. It's crushed stone.

FRED TROTT: Just crushed stone.

ADAM CUMMINGS: Yes. So a level grade and then the wood frame will go right on top of it.

So one of the conditions will -- whether we deny or approve it, but if it gets approved, one of the conditions would be to obtain a building permit from the Building Department?

MS. MAZZULLO: Right. Which is what I was going to do originally and I had to do this first.

ADAM CUMMINGS: Which is why you're here.

MS. MAZZULLO: Yep.

FRED TROTT: The size is within code?

ADAM CUMMINGS: Size in?

FRED TROTT: Of the shed.

JAMES WIESNER: 140.

ADAM CUMMINGS: Yes.

FRED TROTT: All right.

ADAM CUMMINGS: Should be 140, I think.

Oh, yeah. 140, which is above the 119, I think, is what requires a building permit, greater than 119.

JAMES WIESNER: Less than 196.

ADAM CUMMINGS: 196, correct, is the upside of it before they need a variance for an oversized shed.

So if there is no more questions, I will open it up to the public comment.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTING, Coldwater Road

MR. RETTIG: Question for the Chair, Adam (Cummings). Do you not have enough members present on the Board for an official vote tonight?

ADAM CUMMINGS: Um, we have three, so that forms our quorum, so we do have enough to vote tonight?

MR. RETTIG: Oh, you have a five-member board?

ADAM CUMMINGS: Yes.

MR. RETTIG: Okay. Thank you.

ADAM CUMMINGS: You're welcome.

ADAM CUMMINGS: One thing I did not just state, there was the one condition I mentioned earlier, that a building permit will be required. Just to remind everyone of that. So with that I will ask for a motion to adopt this application with that one condition.

James Wiesner made a motion to approve the application with one condition, and Fred Trott seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 3 yes with the following condition:

1. Building permit must be obtained from the Building Department prior to placement of the manufactured shed.

The following finding of fact was cited:

1. The neighborhood has several sheds with similar distances from the lot lines. Additionally, this particular lot abuts a commercial/industrial type parcel (the Wegmans Distribution Center) and will not adversely impact the view sheds of the neighboring properties.

Adam Cummings made a motion to approve the 8/26/14 Zoning Board minutes, and James Wiesner seconded the motion. The Board was unanimously in favor of the motion to approve the minutes.

The meeting ended at 7:14 p.m.