

TOWN OF CHILI

3333 Chili Avenue, Rochester, NY 14624

Tel: 889-6143 Fax: 889-8710

www.townofchili.org

Email: kreed@townofchili.org

AREA VARIANCE CHECKLIST:

- Application Fee** - (See Town Fee Schedule for Amount. Fee is Non-Refundable.)
- Pre-Submission Review Conference**- (Call the Building Department to schedule an appointment at least one week before the scheduling deadline. See Zoning Board Schedule for monthly meeting deadline.)
- Application Packet**- Submit **One (1) Original and Seven (7) copies** of the following Application Packet. **All items shall be no larger than 8 ½" x 11". However, a survey map no larger than 11" x 17" is permitted.**

Contents of Application Packet:

The following shall be attached to all applications, along with the application fee:

- Application Form**- Completed, signed by all property owners, dated and notarized.
- Survey Map of the Property/Plot Plan** (A detailed "to scale" drawing of the proposed project. Identify all existing and proposed structures, lot boundaries and dimensions. For homeowners, this may be a neatly hand drawn sketch on a photocopy of the survey map.)
- Denial Letter** - (You will receive this at the Pre-Submission Review Conference.)

The following are required, if applicable:

- Building Elevations**- (Architectural plans & sketches for projects involving construction, remodeling & signs. Required for both homeowners and commercial projects. Typically not required for residential sheds, decks, fences & porches.)
- Environmental Assessment Form** (Typically not required for homeowners.)
- Engineering/Legal/Consultant Escrows**- (Typically not required for homeowners.)
- Photos of Existing Conditions**- (Not required, but often helpful.)
- Notices of Violation & Stop Work Orders** - (Attach if they exist.)
- Any Other Supporting Documents**

- Post Sign(s) on the Property**-- (Applicants must post at least one sign on the property near the road. Corner lots require 2 signs. Additional signs may be required for lots wider than 500' for an added fee).
 - Signs are obtained from the Building Department.
 - All signs must be posted per Town Code.

- Meet With Your Neighbors**- (While optional, you are encouraged to discuss your proposal with your neighbors before the public hearing. Addressing neighborhood concerns before the public hearing may help expedite the Zoning Board's decision.)

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APPEAL TO THE ZONING BOARD FOR AN AREA VARIANCE

SECTION I: APPLICANT INFORMATION – PLEASE ANSWER THE FOLLOWING:

	<u>APPLICANT(S)*</u>	<u>OWNER(S) (if not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name:	Lisa E Skeval		
Address:	12 Gary Hill Dr Rochester, NY 14624		
Tel/Fax:	(585)760-4604 /		
E-Mail:	lskeval@yahoo.com		

* **The application must be signed by the Property Owner(s).** Attorneys/consultants/agents may not sign on behalf of the Property Owner.

SECTION II: PROPERTY INFORMATION – PLEASE ANSWER THE FOLLOWING:

- Property Address (No. & St.): 12 Gary Hill Dr
- Tax Parcel No.: 145.12.3.30 3. Current Zoning District: R-1-15
- Has a previous ZBA application/appeal been filed for this property? Yes? No?
If Yes, then: When: _____ For What: _____
- Is property located within (check all that apply)? Flood Plain Wetlands
- Is there a written violation notice or "stop work order" for this Property Yes No
 If "Yes", then attach a copy of the violation notice(s) and stop work order(s).
- Has the work, use, or occupancy to which this appeal relates already begun? Yes No
- Brief description of the project: (include current and proposed use):
I need two 3" egress windows installed in my children's room. I purchased this home with a waived inspection and did not realize the previous owners never had the basement filed with the town or a permit completed. I need a variance for the installation of the egress windows. The distance from the house to the neighbor's home is 11.2" and the egress windows are 3" from the house.

ZONING BOARD OF APPEALS APPLICATION FORM

8. Are there special circumstances such as lot size, slope, or other physical conditions of the property which make compliance with the zoning regulations challenging? If so, please explain:

The egress windows are 3" from the house and my property is 11.2" to the neighbor's house. My understanding is there needs to be a variance approved in order for the egress windows to be installed.

SECTION III: AREA VARIANCE – PLEASE ANSWER THE FOLLOWING:

The applicant requests relief from the following sections and requirements of the Zoning Law:

Section of Code*	Concerning*	Change From*	Change To*
500-			
500-			
500-			
500-			
500-			
500-			

*See example below:

500-13(D)(1)	Rear Yard Setback	60 feet	58 feet
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Criteria For Area Variance

To grant an area variance, the ZBA must balance the benefits to the applicant against the potential harm to the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Can the benefit sought by the applicant be achieved by other feasible means? Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

None there is only one area to add an egress window in both rooms

ZONING BOARD OF APPEALS APPLICATION FORM

2. Will granting the variance produce an undesirable change in the character of the neighborhood or a detriment to nearby properties? Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

No it is the difference between one side of a house to another

3. Is the requested variance substantial? The requested variance is not substantial for the following reasons:

No - I need 3" egress I have 11.2 and needed 13" total.

4. Will the variance have any adverse physical or environmental effects on neighborhood or district? The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

None

5. Was the alleged difficulty self-created? (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

No purchased the home, inspection was waived they never filed the finished basement with the town of Chili or made the downstairs bedroom to code.

DISCLOSURE

Does any Town officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? Yes No If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT & PROPERTY OWNERS' CERTIFICATIONS:

1. **Application to the Zoning Board:** I/we, the property owners of the land in question and the applicants hereby request an appearance before the Zoning Board of Appeals.
2. **Authorization to Enter Property:** I/we, the undersigned Property Owners, hereby authorize the members of the Zoning Board of Appeals and designated Town staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this application.
3. **Property Owner's Authorization of Applicant and Liability:** I/we certify that I/we, the undersigned Property Owners, am/are all of the Owners of the Property which is the subject of this application, that I/we have authorized the applicant to make this application and that **I/we agree to be bound by the application, the representations made by the applicant, and the decision of the Town.**
4. **Truth Required By Law:** I/we understand that false statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law of the State of New York

X Siva & Skawal
Property Owner

X _____
Property Owner

X _____
Applicant

X _____
Applicant

Sworn to before me this

February 15th 20 22

Suzanne M. Camarata
Notary Public

SUZANNE M. CAMARATA #01CA6142208
Notary Public, State of New York
Qualified in Monroe County
My Commission Expires Mar. 13, 2022

STATE OF NEW YORK
MONROE COUNTY
Office of the Clerk of the
Town of Chili

**BUILDING INSPECTOR DENIAL
OF APPLICATION FOR LAND USE AND/OR BUILDING PERMIT**

APPLICANT: Lisa E Skeval

TX PARCEL No.: 145.12-3-30

PROPERTY ADDRESS: 12 Gary Hill Dr. Rochester NY 14624 ZONING DISTRICT: R-1-15

This applicant has applied to use the identified property within the Town of Chili for the following:
Residential property to install two (2) new egress windows in the basement.

This application is hereby denied upon the grounds that such use of the property would violate the Town Zoning Law article(s) III

As such, the following relief would be required to proceed:


- Appeal of My Interpretation
- Use Variance to permit the following:
- Area Variance seeking the following relief:

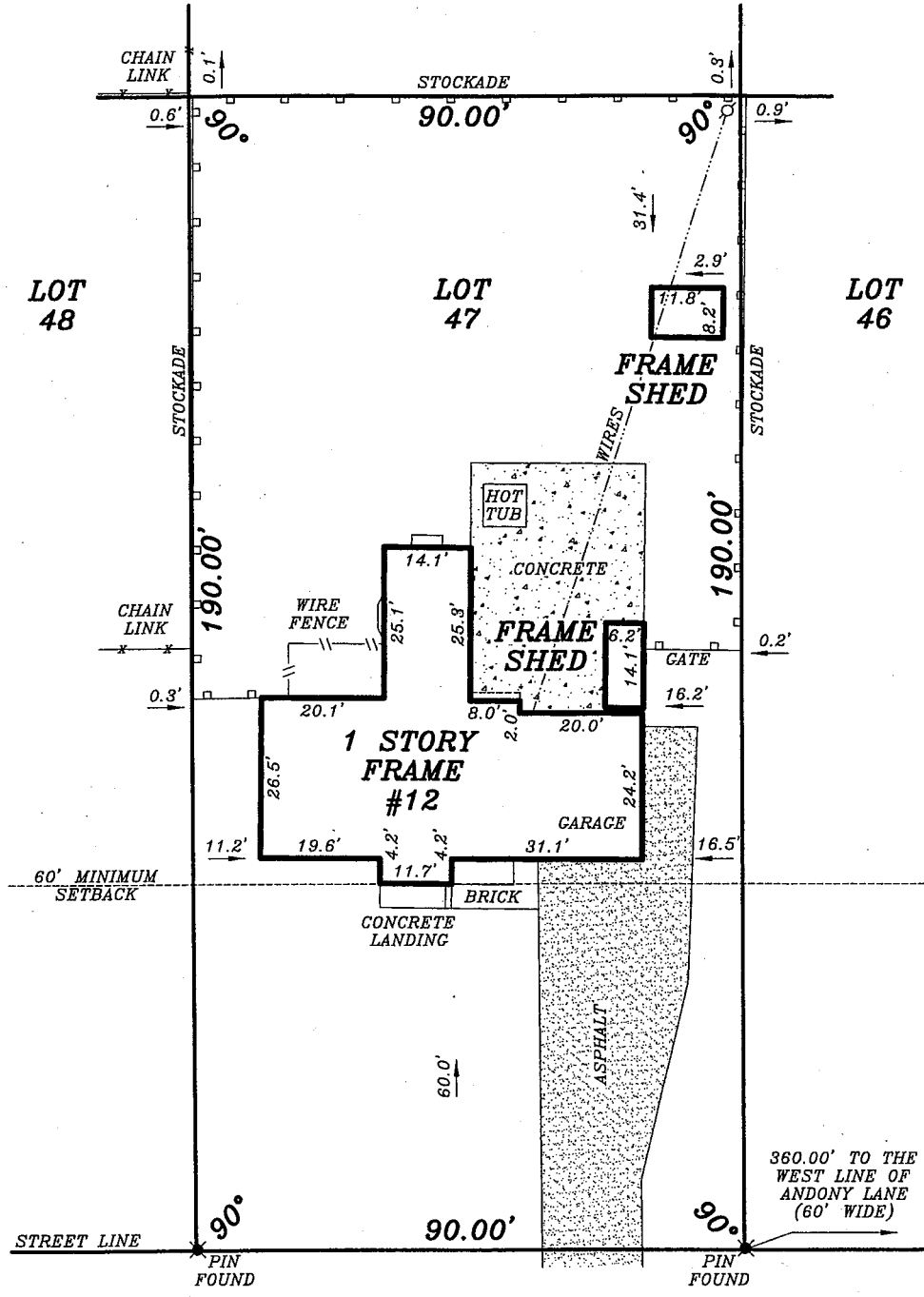
Section of Code*	Concerning*	Change From*	Change To*
500-13-(D)(1)	Side yard setback	10'-0"	7.5'
500-			
500-			
500-			
500-			
500-			

*See example below:

500-50(D)(4)(c)	Size of Sign	16 sq. feet per side	20 sq. feet per side
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FEBRUARY 14 2022
Date


Code Enforcement Officer

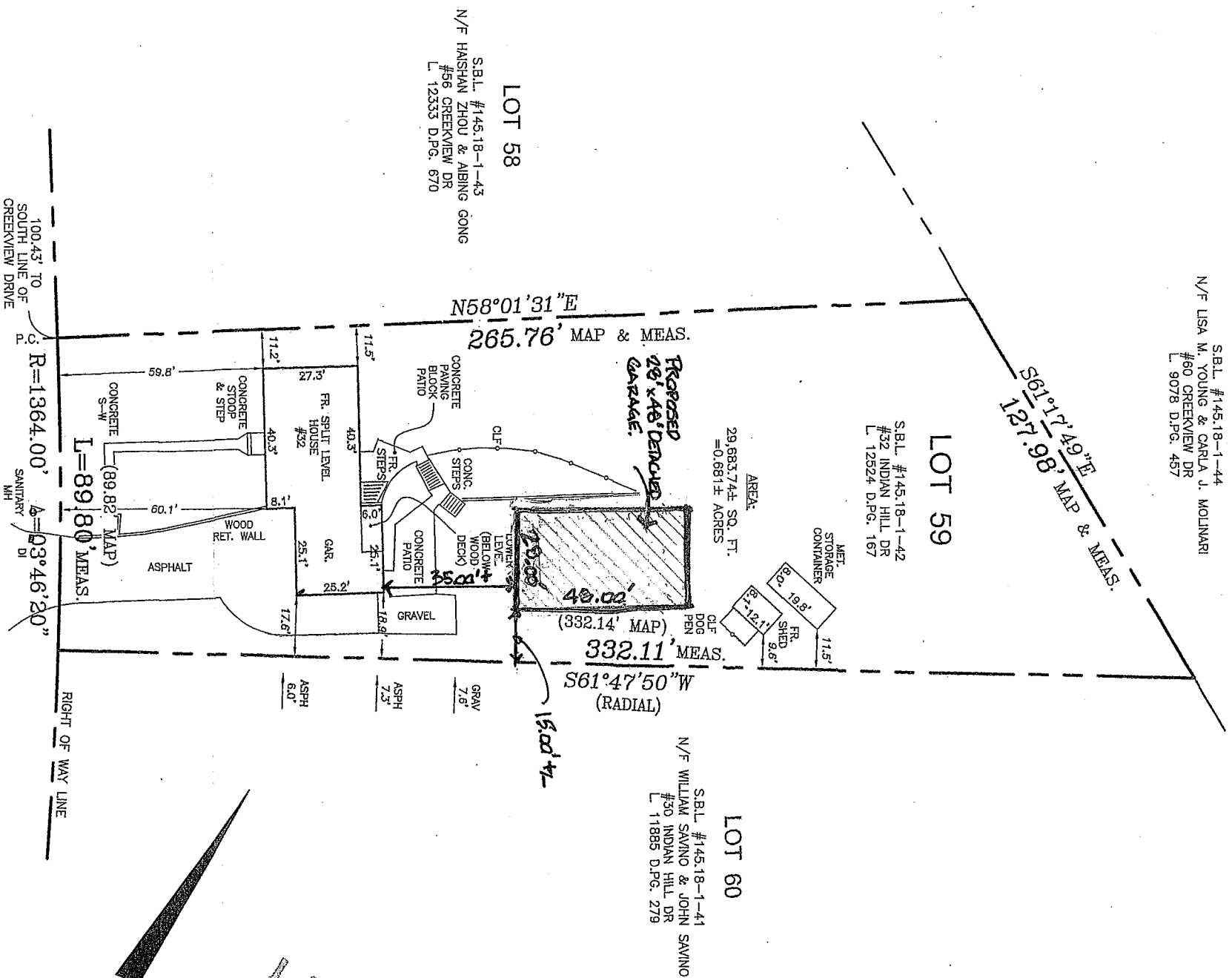


GARY HILL DRIVE

(60' WIDE)

"Unauthorized alteration of, or addition to, this survey map is a violation of section 7209 of the New York State Education Law"
Copies of this survey map not bearing the land surveyor's inked or embossed seal shall not be considered to be a valid true copy.
"Guarantees or certifications indicated hereon shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution.
Guarantees or certifications are not transferable to the institutions or subsequent owners"

- REFERENCES:
1. LIBER 12524 OF DEEDS, PAGE 167.
 2. LIBER 2813 OF DEEDS, PAGE 16 (AMENDED MAP OF THE CREEKVIEW SUBDIVISION).



INDIAN HILL DRIVE
(60.00' WIDE R.O.W.)

- NOTES:
1. THIS MAP WAS PREPARED WITHOUT THE BENEFIT ABSTRACTS OF TITLE FOR THE SUBJECT PREMISES AND IS SUBJECT TO ANY CONDITIONS, EASEMENTS AND/OR RESTRICTIONS OF RECORD THAT THE REVIEW OF SAME WOULD DISCLOSE.
 2. DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND LENGTHS.
 3. BEARINGS SHOWN HEREON REFER TO GRID NORTH.

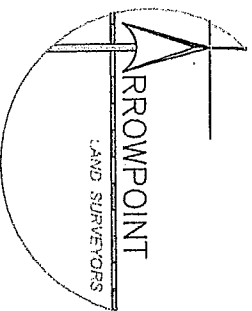
WE, ARROWPOINT LAND SURVEYORS CERTIFY TO THE PARTIES LISTED BELOW THAT THIS MAP WAS PREPARED USING THE REFERENCE MATERIALS LISTED HEREON AND THE NOTES OF AN INSTRUMENT SURVEY, PERFORMED IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, COMPLETED DECEMBER 28, 2021.

1. MATTHEW SEGER

CERTIFICATIONS ON THIS BOUNDARY SURVEY SIGNIFY THAT THE MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC. THE CERTIFICATION IS LIMITED TO PERSONS FOR WHOM THE BOUNDARY SURVEY MAP IS PREPARED, TO THE TITLE COMPANY, TO THE GOVERNMENTAL AGENCY, AND TO THE LENDING INSTITUTION LISTED ON THIS BOUNDARY SURVEY MAP. THE CERTIFICATIONS HEREIN ARE NOT TRANSFERABLE.

©2021 AVERY COX LAND SURVEYING, D.P.C. ALL RIGHTS RESERVED.

FILE NAME: IndianHillDr#32Cis.dwg



277 ALEXANDER STREET,
SUITE 210 ROCHESTER, NY 14607
PHONE: 585.689.3670
ROBERT J. AVERY, P.L.S.: 585.755.0408
SCOTT A. COX, 585.625.8629
MEMBER A.C.S.M.
N.Y.S.A.P.L.S.
G.V.L.S.A.

Robert J. Avery
N.Y.S.P.L.S. 49743

INSTRUMENT SURVEY

LOT NO. 59

AMENDED MAP OF CREEKVIEW SUBDIVISION

SITUATE IN THE TOWN OF CHILL,
COUNTY OF MONROE, STATE OF NEW YORK

Date:	12/30/21	Rev. ①	Scale:	1" = 40'	Dwg. No.	21-0510
Rev. ②		Rev. ③				

Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of Section 7209, subdivision 2, of the New York State Education Law. Only boundary survey maps with the surveyor's original seal are genuine true and correct copies of the surveyor's original work and opinion.

TRUE COPY

1ax /rect # 170,18-1-14

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Email: krogers@townofchili.org

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- Pre-Submission Review Conference**- (Call the Building Department to schedule an appointment at least one week before the scheduling deadline. See Zoning Board Schedule for monthly meeting deadline.)
- Application Packet**- Submit One (1) Original and Seven (7) copies along with an emailed application to the email address above or a PDF copy (if application is for a commercial site variance ALWAYS PDF). All items shall be no larger than 8 1/2" x 11". However, a survey map no larger than 11" x 17" is permitted.

Contents of Application Packet:

The following shall be attached to all applications, along with the application fee:

- Application Form**- Completed, signed by all property owners, dated and notarized.
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- Denial Letter** - (You will receive this at the Pre-Submission Review Conference.)

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APPEAL TO THE ZONING BOARD FOR AN
AREA VARIANCE

SECTION I: APPLICANT INFORMATION – PLEASE ANSWER THE FOLLOWING:

<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name: <u>Matthew Seget</u>		
Address: <u>32 Indian Hill drive</u>		
Tel/Fax: <u>585 409 8304</u>		
E-Mail: _____		

* The application must be signed by the Property Owner(s). Attorneys/consultants/agents may not sign on behalf of the Property Owner.

SECTION II: PROPERTY INFORMATION – PLEASE ANSWER THE FOLLOWING:

- Property Address (No. & St.): 32 Indian Hill drive
- Tax Parcel No.: 145.18-1-42 3. Current Zoning District: R-1-15
- Has a previous ZBA application/appeal been filed for this property? Yes? No?
If Yes, then: When: _____ For What: _____
- Is property located within (check all that apply)?: Flood Plain Wetlands
- Is there a written violation notice or “stop work order” for this Property Yes No
 If “Yes”, then attach a copy of the violation notice(s) and stop work order(s).
- Has the work, use, or occupancy to which this appeal relates already begun? Yes No
- Brief description of the project: (include current and proposed use):
Build Pole Barn in Back yard to Shelter
• 27' Boat
• Monster truck
• hot rod

ZONING BOARD OF APPEALS APPLICATION FORM

8. Are there special circumstances such as lot size, slope, or other physical conditions of the property which make compliance with the zoning regulations challenging? If so, please explain:

no

SECTION III: AREA VARIANCE – PLEASE ANSWER THE FOLLOWING:

The applicant requests relief from the following sections and requirements of the Zoning Law:

Section of Code*	Concerning*	Change From*	Change To*
500-60(F)	AREA OF ATTACHED & DETACHED GARAGE	1,200 S.F TOTAL ALLOWED	1976.5 PROPOSED = 632.5 (EXISTING) + 1,344 SF PROPOSED
500-			
500-			
500-			
500-			
500-			

*See example below:

500-13(D)(1)	Rear Yard Setback	60 feet	58 feet
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Criteria For Area Variance

To grant an area variance, the ZBA must balance the benefits to the applicant against the potential harm to the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Can the benefit sought by the applicant be achieved by other feasible means? Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

no because I'm trying to shelter my boat, my monster truck and my summer car

ZONING BOARD OF APPEALS APPLICATION FORM

2. Will granting the variance produce an undesirable change in the character of the neighborhood or a detriment to nearby properties? Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

no

3. Is the requested variance substantial? The requested variance is not substantial for the following reasons:

no

4. Will the variance have any adverse physical or environmental effects on neighborhood or district? The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

no

5. Was the alleged difficulty self-created? (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

no

DISCLOSURE

Does any Town officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? Yes No If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT & PROPERTY OWNERS' CERTIFICATIONS:

1. **Application to the Zoning Board:** I/we, the property owners of the land in question and the applicants hereby request an appearance before the Zoning Board of Appeals.
2. **Authorization to Enter Property:** I/we, the undersigned Property Owners, hereby authorize the members of the Zoning Board of Appeals and designated Town staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this application.
3. **Property Owner's Authorization of Applicant and Liability:** I/we certify that I/we, the undersigned Property Owners, am/are all of the Owners of the Property which is the subject of this application, that I/we have authorized the applicant to make this application and that **I/we agree to be bound by the application, the representations made by the applicant, and the decision of the Town.**
4. **Truth Required By Law:** I/we understand that false statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law of the State of New York


Sworn to before me this

February 3rd 20 22

Suzanne M. Camarata
Notary Public
SUZANNE M. CAMARATA #01CA6142208
Notary Public, State of New York
Qualified in Monroe County
My Commission Expires Mar. 13, 20 22

X 
Property Owner

X _____
Property Owner

X 
Applicant

X _____
Applicant

STATE OF NEW YORK
MONROE COUNTY
Office of the Clerk of the
Town of Chili

**BUILDING INSPECTOR DENIAL
OF APPLICATION FOR LAND USE AND/OR BUILDING PERMIT**

APPLICANT: Mr. Matthew Seger
PROPERTY ADDRESS: 32 Indian Hill Dr. Rochester NY 14624

TAX PARCEL No.: 145.18-1-42
ZONING DISTRICT: R-1-15

This applicant has applied to use the identified property within the Town of Chili for the following:
Residential Property with proposed 28'-0" x 48'-0" detached garage (1,344 s.f.)

This application is hereby denied upon the grounds that such use of the property would violate the Town Zoning Law article(s) III.

As such, the following relief would be required to proceed:

- Appeal of My Interpretation
- Use Variance to permit the following: _____

Area Variance seeking the following relief:

Section of Code*	Concerning*	Change From*	Change To*
500-60 (F)	Area of attached & detached garage	1,200 s allowed	1,976 total sf= 632.5 sf existing +1,344 sf proposed
500-			
500-			
500-			
500-			
500-			

*See example below:

500-50(D)(4)(c)	Size of Sign	16 sq. feet per side	20 sq. feet per side
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January 28 2022
Date


Code Enforcement Officer