



TOWN OF CHILI

STATE OF NEW YORK * COUNTY OF MONROE
ESTABLISHED IN 1822



David J Dunning
Supervisor

Virginia L. Ignatowski
Town Clerk

BUILDING DEPARTMENT

Mark L. DeCory
Michael S. Slattery
Mary C. Sperr
James V. Valerio
Town Council Members

DENIAL OF APPLICATION FOR LAND USE AND/OR BUILDING PERMIT

APPLICANT: John Tassone

PROPERTY ADDRESS: 127 Morgan Road, Scottsville, New York 14624

TAX PARCEL NO.: 187.02-1.54

ZONING DISTRICT: AC (Agricultural Conservation)

This applicant has applied to use the identified property within the Town of Chili for the following:
Applicant proposes to erect a 14'-0" x 40'-0" detached garage to be located 8'-0" from the West property line. In addition, the applicant seeks a variance to allow a shed 10'-0" x 10'-0" (no permit required) to be located 12'-0" from rear (South) property line.

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:
X Area Variance seeking the following relief:

| Section of Code* | Concerning* | Change From* | Change To* |
|------------------|--|--|-------------------|
| 500-27-F(4) | Location to side setback West property line (14'-0" x 40'-0" detached garage) | 46'-0" min. required per variance granted 12/21/1993 | 8'-0" |
| 500-27-F(4) | Location to rear setback South property line Existing shed | 50'-0" min. required Per district | 12'-0" (existing) |
| | | | |

October 17, 2023

Date

Code Enforcement Officer

X

TOWN OF CHILI

3333 Chili Avenue, Rochester, NY 14624

Tel: 889-889-6143 Fax: 889-8710

www.townofchili.org

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>John Tassone</u> | _____ | _____ |
| Address: <u>127 Morgan Rd</u> | _____ | _____ |
| <u>Scottsville, NY 14546</u> | _____ | _____ |
| Tel/Fax: <u>585-469-2440</u> | _____ | _____ |
| E-Mail: <u>fussler3@gmail.com</u> | _____ | _____ |

* 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:

1. Property Address (No. & St.): 127 Morgan Rd
2. Tax Parcel No.: 187.02-1-54.
3. Current Zoning District: AC
3. Has a previous ZBA application/appeal been filed for this property? ☒ Yes? ☐ No?
If Yes, then: When: 12/21/1993 For What: TO CREATE UNDERSIZED LOT (1 ACRE) WITH 150' WIDTH AND 46'-0" SIDE SETBACKS.
4. Is property located within (check all that apply)? ☐ Flood Plain ☐ Wetlands
5. 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).
6. Has the work, use, or occupancy to which this appeal relates already begun? ☐ Yes ☒ No
7. Brief description of the project: (include current and proposed use):
14' x 40' DETACHED ^{CARAGE.} for storage.

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:
Location of septic tank leach field in backyard leads
desired location.

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- 27-F(4) | WIDESETBACK (WEST PROPERTY LINE) 14' & 40' GARAGE | 46'-0" PER VARIANCE 12/21/93 | 8'-0" |
| 500- 27-F(4) | REAR SETBACK | 50'-0" REQ'D PER DISTRICT | 12'-0" (EXISTING) |
| 500- | | | |
| 500- | | | |
| 500- | | | |
| 500- | | | |

*See example below:

| | | | |
|--------------|-------------------|---------|---------|
| 500-13(D)(1) | Rear Yard Setback | 60 feet | 58 feet |
|--------------|-------------------|---------|---------|

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.

Unable to come up with alternative location due to leach field.

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:

- The shed will be hardly noticeable from the road (blocked by trees/house).
- The shed will look nice. 14' x 40' Latched Barn Garage from Gingham Pig w/ chestnut finish, Copper roof, and white trim and windows.

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

- Neighbor agrees with location.

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 adverse physical or environmental effects as the desired location would not require any alterations.

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:

- The difficulty of the location of the septic field was not self-created as it was part of the property when we purchased.

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


17th October 2023

Roxanne C. Lomando

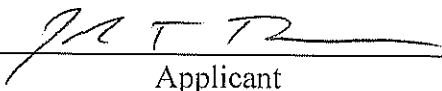
Notary Public

ROXANNE C. LOMANDO
Notary Public, State of New York
Qualified in Monroe County
No. 01LO6446137
Commission Expires January 9, 2027

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

X 
Property Owner

X N/A
Property Owner

X 
Applicant

X N/A
Applicant



Furniture: (585) 296-8594 (tel:5852968594) | Structures: (585) 507-3091 (tel:5855073091)

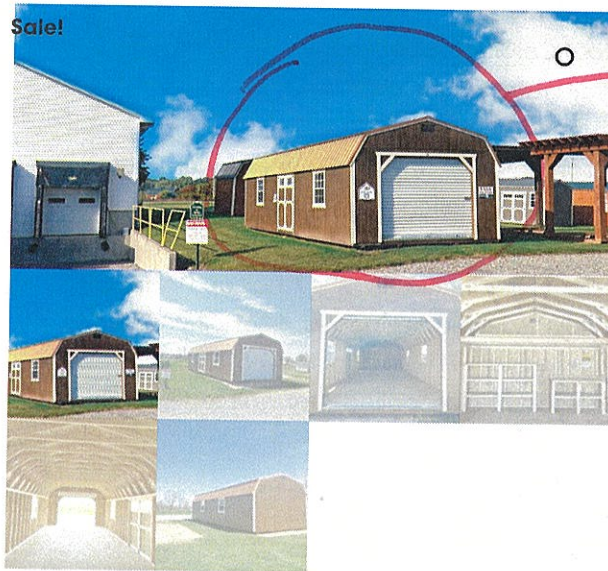
3D Shed Builder (<https://orders.barnportal.com/myquote?dealerid=1002077&template=1&zipcode=14423>) **About** (<https://gigglinpig.com/about/>)

Custom Furniture (<https://gigglinpig.com/custom-furniture/>) **Color Options** v **Reviews** (<https://gigglinpig.com/customer-reviews/>)

Contact Us (<https://gigglinpig.com/contact-us/>)

Contact Us

3D Shed Builder (<https://orders.barnportal.com/myquote?dealerid=1002077&template=1&zipcode=14423>)



SOLD!

14' x 40' Lofted Barn Garage

Need A Little **EXTRA SPACE**? Gigglin' Pig offers backyard storage buildings to help you get organized! Unlimited access to your belongings 24/7 without traveling to a mini storage facility. Why pay for a never-ending mini storage unit when you can **RENT TO OWN a backyard shed**? If your **Garage is OVERFLOWING**, a quality storage shed is the solution to store and protect your supplies. Invest in a well-built storage shed to house your **Lawn Mower, Garden Tractor, Motorcycle, Household Supplies, Yard Tools, Pet Supplies, Patio Furniture, Kids Toys, Pool Supplies, Sports Equipment**, or use it as a **Workshop, Home Office or cute Backyard Cabin or Cottage**.

The possibilities are endless! Get the extra space you need that will be an **ASSET** in your backyard.

✓ Buy Outright or Rent To Own

✓ FREE DELIVERY*

✓ Just One Month's Small **DOWN** Payment + sales tax to get this building installed in your backyard



✓ Next payment is not due until 30 days AFTER delivery

*See store for details

Details

SOLD! Replacement Arriving Soon-Call for Availability

Style: Lofted Barn Garage

Item #: WLB-83153-1440-040423-H

Size: 14' x 40'

Side Wall Height: 6' 3"

Exterior: LP Smartside

Structure Color: Chestnut Urethane

Trim Color: Navajo White Paint

Roof: Metal

Roof Color: Copper Penny*

Wall Framing: 16" O.C.

Truss Framing: 24" O.C.

Floor Material: 3/4" Sq. Edge Pressure Treated*

Floor Construction: 12" O.C, 2" x 6" Floor Joists*

Standard Features: 1-4' D Loft, 2-Metal vents

*Upgrades Included: 9' x 7' Roll-up Door, Dbl. doors w/transom windows, 4-36" x 36" Windows w/screens, 1-7' Workbench & 1-5' Shelving, Urethane stain applied, Opt. painted trim, Premium color metal roof

Building Warranty: 5 Years

Condition: New

Base Price: \$15,875.00

Options Cost: \$2,971.00

TOTAL COST: \$18,846.00

36 Month Rent-to-Own: \$872.50

48 Month Rent-to-Own: \$785.25

(sales tax based on delivery zip code-not inc. in total cost or RTO mo. payments above)

Reserve Now

[<< Back to previous page](#)

INSTRUMENT SURVEY MAP

ADDRESS MORGAN ROAD

LOT NO. 1 SUBDIVISION MONETTE SUBDIVISION

TOWN OF CHILL COUNTY OF MONROE

LIBER 279 OF MAPS, PAGE 65 TAX MAP PARCEL NO. 173.04 - 01 - 16.1

OWNER _____ LIBER _____ OF DEEDS, PAGE _____

MORGAN

ROAD (66' WIDE)

2390± TO ϕ
SCOTTSVILLE ROAD

TOWN LOT 31

CENTERLINE

TOWN LOT 36

150.00'

HIGHWAY
BDRY.

170.00'

REBAR FOUND

S 89°19'30" E

150.00'

33.00'

DRIVEWAY

101.4'

290.40'

290.40'

N/F

MARK R. & SUSAN M. DREXLER

L. 6773 Pg. 312

L. 235 OF MAPS Pg. 43

TAX MAP No. 187.020 - 01 - 53

275.00'

275.00'

N 00°21'30" E

46.2'

46.0'

24.1'

8.7'

33.7'

2.5'

34.3'

8.0'

19.3'

8.0'

14.0'

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14.0'

AREA = 1.000 ACRE

(TO HIGHWAY BOUNDARY)

TAX MAP No. 173.040 - 01 - 16.1

REBAR FOUND

170.00'

REBAR FOUND

S 89°19'30" E

N 89°19'30" W

LANDS OF DOROTHY WING

L. 6081 Pg. 192

TAX MAP No. 173.040 - 01 - 16.1

CERTIFY TO:

1. ATLANTIC RESIDENTIAL MORTGAGE CORP., its
successors and/or assigns.

187.02