

TOWN OF CHILI

3333 Chili Avenue, Rochester, NY 14624

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

www.townofchili.org

NOV 22 2023

TOWN OF CHILI
BUILDING DEPARTMENT

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>Chad & Melissa Hochreiter</u>		
Address: <u>2759 Chili Ave.</u>		
<u>Rochester, NY 14624</u>		
Tel/Fax: <u>585-809-0452 / 585-319-8419</u>		
E-Mail: <u>chadhochreiter@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:

- Property Address (No. & St.): 2759 Chili Ave.
- Tax Parcel No.: 13A-13-3-1
- Current Zoning District: R-1-12
- 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):
It's an 8'x12' shed converted into coop for chickens with a 7'x14' enclosed run attached to shed. It's about 105 ft. from the road and is about 40 ft from property line on the side of our house next to the cemetery.

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:

From the middle to the back of our property it gets very wet. Especially when the snow melts or we have heavy rain fall, sometimes there is standing water. We also have sandy soil, when combined with water any structure would sink. Our property also has a slight slope going from the road all the way to the back of our property. We put the shed in ~~the~~ flat spot where it required the least amount of leveling.

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*
500-62(B)(5)	DOMESTICATED PETS ANIMALS & SEALS	NOT PERMITTED	PERMITTED.
500-62(B)(5)	LOCATION OF LIVESTOCK HOUSING	200' - 60' REAR	40' FROM WEST 105' FROM NORTH
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.

We attempted to place the coop and run in the middle to back of property but it gets too wet. Other areas of our yard have too much of a slope. This is why we put the coop and run next to the cemetery instead of near any neighbors homes.

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 because we will be putting up privacy fencing and ~~we~~ our chickens are not free range. They are kept in the coop and run at all times. The privacy fence will help keep down on the noise because they won't feel threatened by people passing by. We also bought devices used to help diminish the noise our roosters make when crowing. We let our chickens out at 8am and they go back in the coop when it gets dark. They are quiet all night long.

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

~~We~~ We will not be expanding our flock size so the structures will stay the same size.

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 because we take care of our chickens properly. We clean the coop and run once per week, more if needed. We know what illnesses to look out for (symptoms, prevention etc.) we have an avian vet on speed dial if needed. We also have an extra space in case one falls ill. Chickens are great for pest control and offer organic fertilizer from their manure. We also receive farm fresh eggs from them.

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:

yes, we did not realize we needed permission to own chickens. We did try to look it up but we didn't see anything. Obviously we missed it and we were wrong.

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

15th November 2023

Roxanne C. Lomando
Notary Public

X M. Hochmeister
Property Owner

X Cluid Hochmeister
Property Owner

X M. Hochmeister
Applicant

X Cluid Hochmeister
Applicant

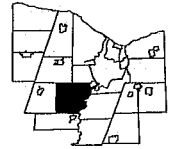
STATE OF NEW YORK
MONROE COUNTY
Office of the Clerk of the
Town of Chili

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



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: Chad/Melissa Hochreiter

PROPERTY ADDRESS: 2759 Chili Ave Rochester, NY 14624

TAX PARCEL NO.: 134.13-3-1

ZONING DISTRICT: R-1-12

This applicant has applied to use the identified property within the Town of Chili for the following:
Applicant proposes to harbor chickens (7 hens and 2 roosters) on a residential property (R-1-12) with less than 5 acres. Shelter for animals and run to be located 40' from west property line and 105' from North 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:
 Area Variance seeking the following relief:

Section of Code*	Concerning*	Change From*	Change To*
500-62 (B) (5)	Domesticated Farm animals on less than required 5 acres	Not Permitted	Permitted
500-62 (B) (5)	Location of housing for livestock	200'-0" required	40.00' from West property line. 105.00' from the North property line

Novemebr 14, 2023
Date

Code Enforcement Officer



2737

2729

2755

2755

X

2759

Unamed Street

2765

2767

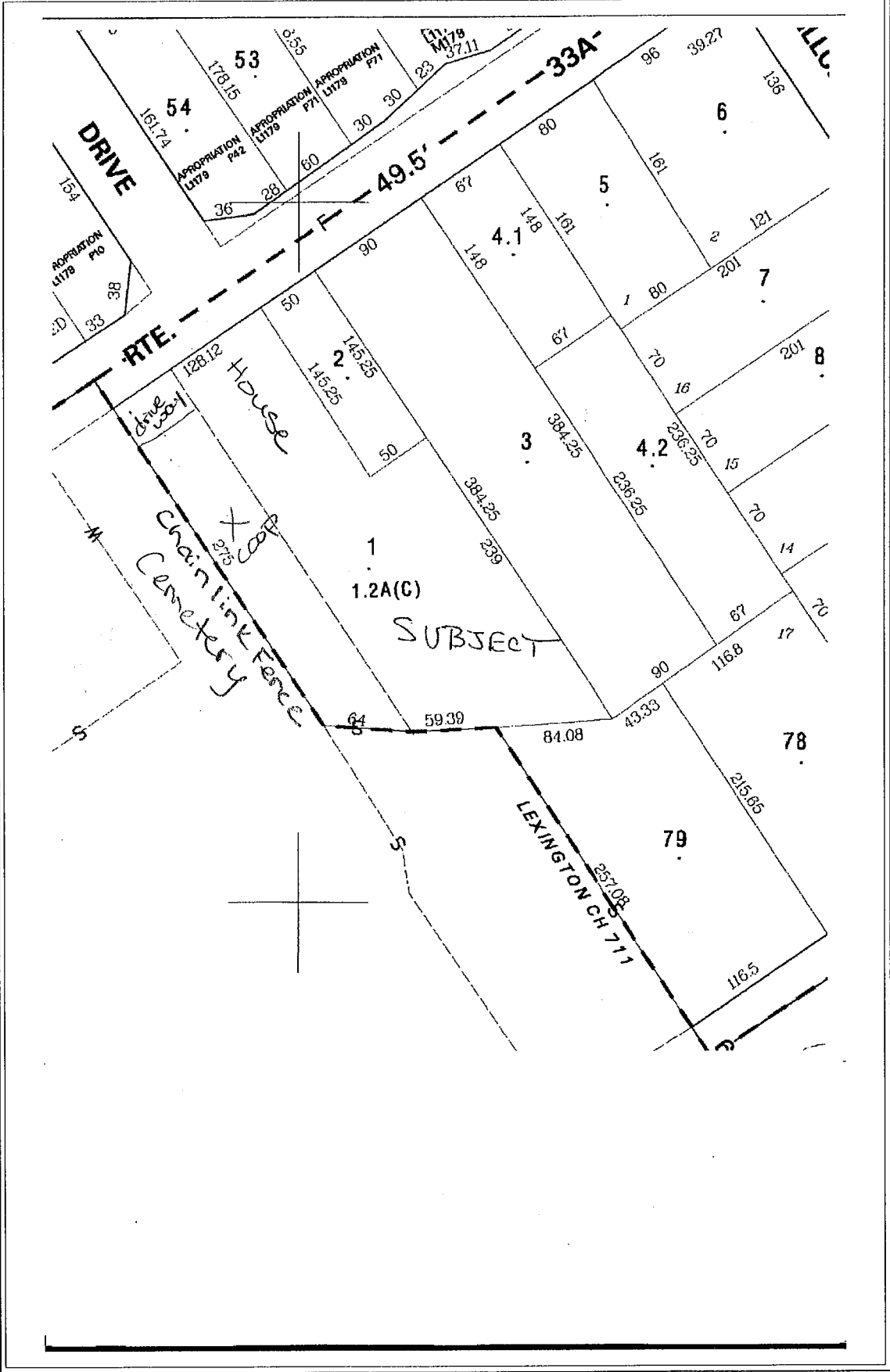
2767

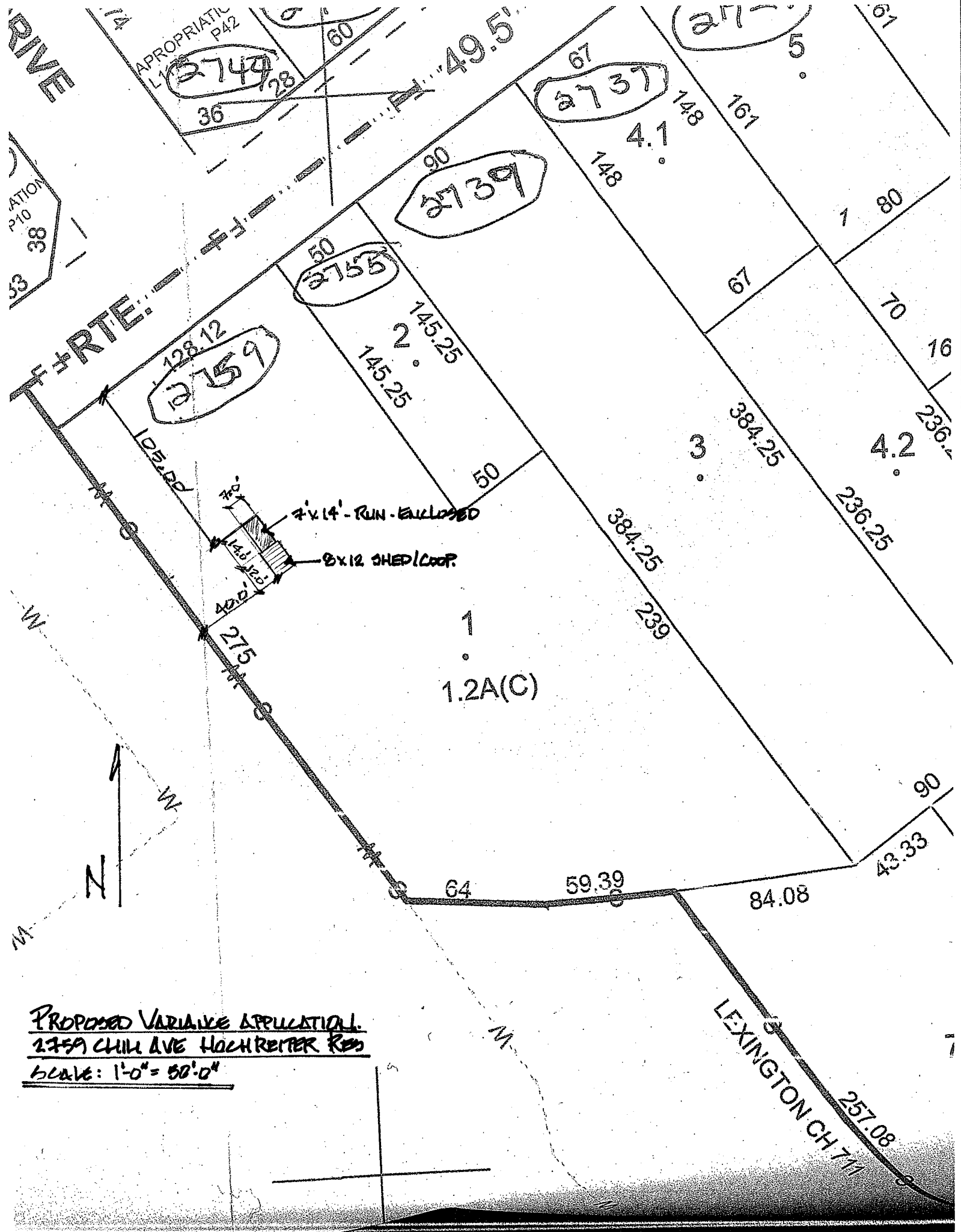
2767

PLAT MAP

Borrower: Hochreiter, Chad
Property Address: 2759 Chili Ave
City: Rochester
Lender: Cole Taylor Bank

File No.: 12CT1030
Case No.: 372-4532626-703
State: NY
Zip: 14624





PROPOSED VARIANCE APPLICATION.
2759 CHIL AVE HOCHREITER RES
SCALE: 1"=0' = 50'-0"