

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>Ken Brabant</u>	<u>Ken Brabant</u>	_____
Address:	<u>39 Clifton Rd</u>	_____	_____
	<u>Churchville NY 14428</u>	_____	_____
Tel/Fax:	<u>585-797-4848</u>	_____	_____
E-Mail:	<u>Ken.brabant2@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.): 39 Clifton Rd Churchville NY 14428
- Tax Parcel No.: 171-04-2-51
- Current Zoning District: 02
- 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):
Add 12x24 shed to property. Amish Built and delivered.
Storage and garden shed

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*
500-11(B)(A)	AREA OF ACCESSORY STRUCTURE.	192 SQ. FT ALLOWED	285 50 FT 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.

storing equipment outside reduces longevity.

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 will enhance the aesthetic

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

To keep property in order.

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 ITS LOCATED IN THE SOUTH WEST CORNER OF PROPERTY

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. THE STORAGE SQUARE FOOTAGE DOESN'T MEET OUR NEEDS.

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

March 19th 2024

Suzanne M. Camarata
Notary Public

X *Leanne J. Bulant*
Property Owner

X _____
Property Owner

X _____
Applicant

X _____
Applicant

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

SUZANNE M. CAMARATA #01CA614220
Notary Public, State of New York
Qualified in Monroe County
My Commission Expires Mar. 13, 2026



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: Kenneth Brabant

PROPERTY ADDRESS: 39 Clifton Rd, Churchville, NY 14428

TAX PARCEL NO.: 171.04.-2-51

ZONING DISTRICT: RA-1

This applicant has applied to use the identified property within the Town of Chili for the following:
Applicant proposes to erect an accessory structure to be 12'-0" x 24'-0" (288 sq. ft.) where 192 sq. ft. is permitted.


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:

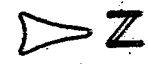
Section of Code*	Concerning*	Change From*	Change To*
500-11(B)(4)	Area of an accessory structure	192 sq. ft. permitted	288 sq. ft. proposed
500-			

March 19, 2024
Date


Code Enforcement Officer

Creek Park

Road



Wheatland

N D

KETCH

CLIFTON

(66' Wide)

S 83°30'00" E

1.615 Chains = 106.59'

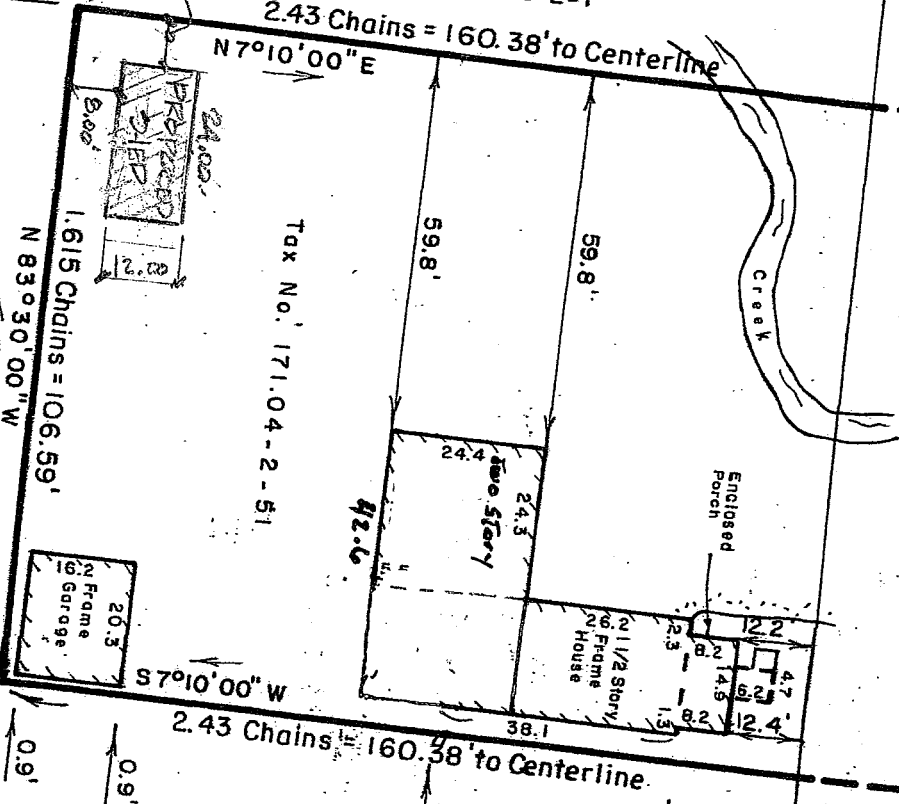
ROAD

Centerline

Tax No. 185.02-2-1

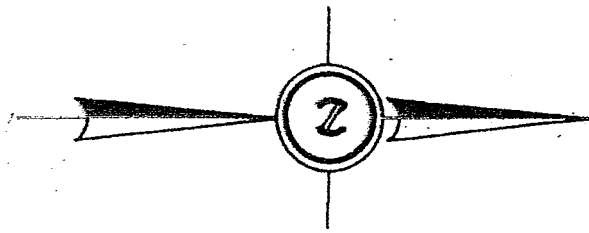
2.43 Chains = 160.38' to Centerline
N 7°10'00" E

Tax No. 171.04-2-51



N/F Glenna Osborne
Liber 6044 of Deeds, P.197
Tax No. 171.04-2-49

School House Lot



Reference:

Liber 9367 of Deeds, Page 254
Kenneth J. Brabant

Certification:

I certify that this map was made August 11 notes of a field survey completed August 3

James K. Glogowski
James K. Glogowski, P.L.S.
New York State License No. 45018

*PROJECT VARIANCE 8.19.24
TO ERECT 12,000' X 24,000' 510' (255 S.F.)
ALL OTHER STRUCTURES RE EXISTING PER CODE
TOWN OF CHILL SP-0-04*

INSTRUMENT LOCATION MAP
39 CLIFTON ROAD
 Being Part of Great Lot 13
 Northwest 100 Acres of Mile Square 1
 Town of Chill
 County of Monroe, State of New York
 August 10, 2009

REVISIONS

	JAMES K. GL Professional L Rochester, N 585-426

The use of this map in conjunction with an affidavit of no change relieves the surveyor of all responsibility.

No search made for easements or encumbrances other than those as listed.

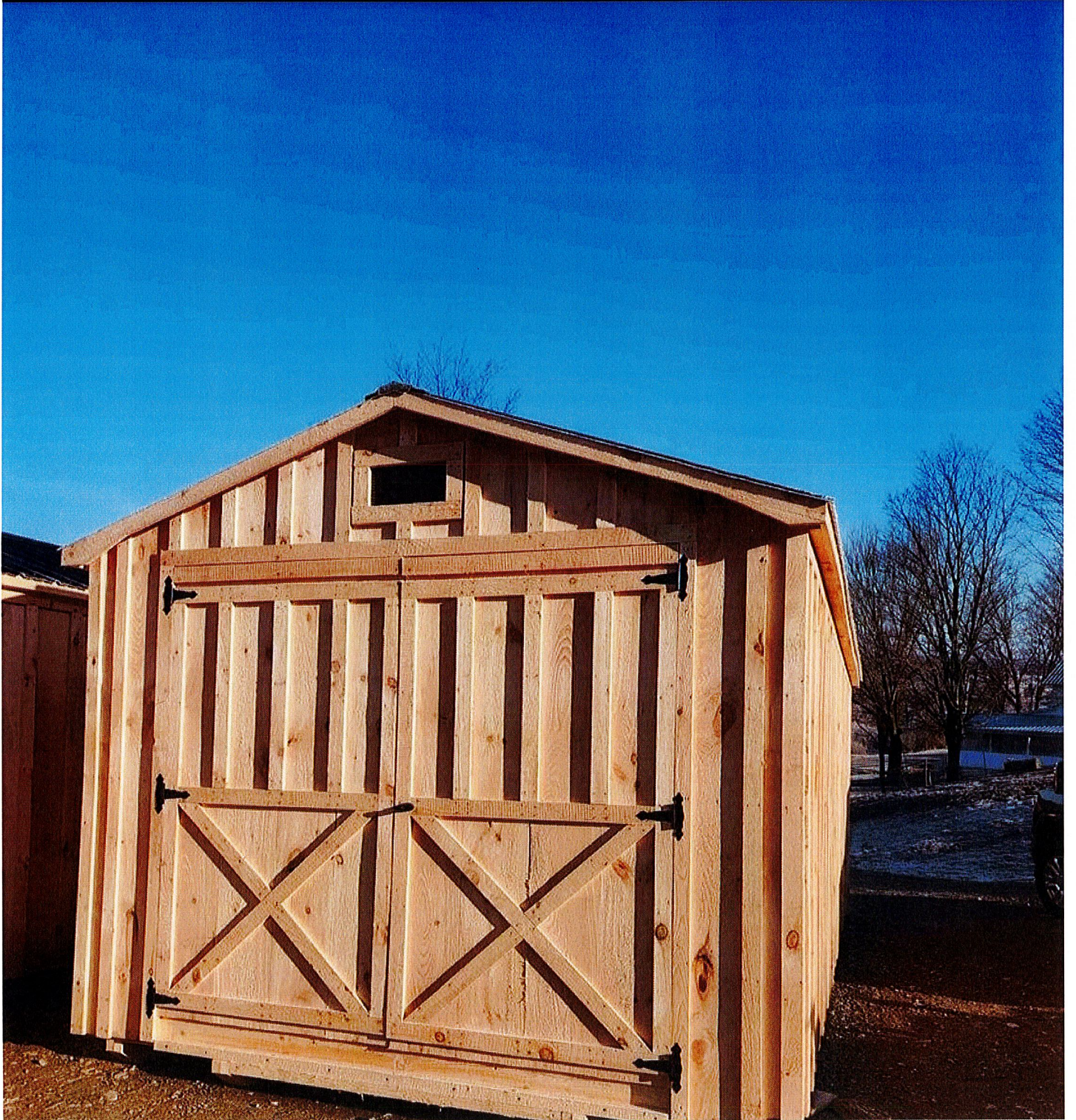
Certifications shall be valid only to the parties for w prepared, listed person. Certifications are not trans institutions or subsequent owners.

The reserved.

to a survey map bearing a Section of Section 7209, Education Law.



2 of 6





12x24 Board and batten Amish built shed

\$4,675



Send seller a message

Hello, is this still available?

Send

Meeting 4/23/24

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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>Nicholas Hallowell</u>	<u>Jamie Scannell</u>	_____
Address: <u>411 Beaver rd</u>	<u>9 Wyncrest drive</u>	_____
<u>Rochester NY 14624</u>	<u>Rochester NY 14624</u>	_____
Tel/Fax: <u>585-319-1356/</u>	<u>716-341-5156</u>	_____
E-Mail: <u>Nick.Chaseimpressions@gmail.com</u>	<u>Jeg4334@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.): 9 Wyncrest drive Rochester NY 14624
- Tax Parcel No.: 134-13-1-61 3. 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):
16 x 9.42' installing a composite deck to the left front side of the home.

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*
500-13(D)(1)	FRONT SETBACK	60'-0" REQ'D	33.5' PROPOSED. 31.00'
500-			
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.

NO. This was recommended by inspector.

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:

none

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

yes.

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.

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.

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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.
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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

March 19th 2024
Suzanne M. Camarata
Notary Public

X 
Property Owner

X _____
Property Owner

X _____
Applicant

X _____
Applicant

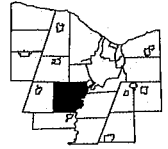
STATE OF NEW YORK
MONROE COUNTY
Office of the Clerk of the
Town of Chili

SUZANNE M. CAMARATA #01CA6142208
Notary Public, State of New York
Qualified in Monroe County
My Commission Expires Mar. 13, 2026



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: Jamie Scannell

PROPERTY ADDRESS: 9 Wyncrest Dr. Rochester, NY 14624

TAX PARCEL NO.: 134.13-1-61

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 erect a deck off the front of the existing structure

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

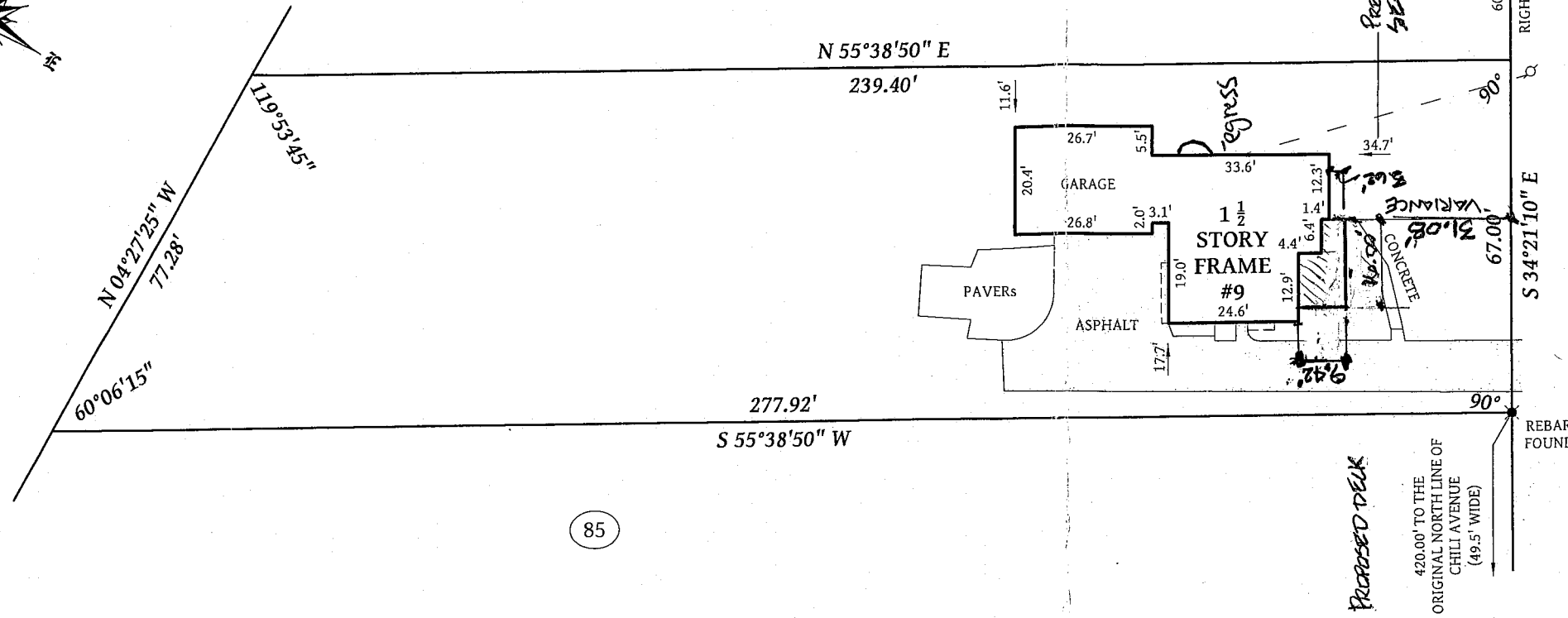
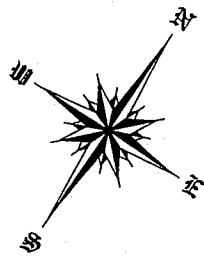
As such, the following relief would be required to proceed:

- 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)	Front Setback	60'-0" required	31.08' proposed
500-			

March 25, 2024
Date

Code Enforcement Officer



WYNCREST DRIVE

85

REFERENCES:

ABAR ABSTRACT CORP.
 ABSTRACT #AAC-13982-NY-AB DATED 08.19.2022
 LIBER 12152 OF DEEDS, PAGE 258

NOTES:

REFERENCE IS MADE TO A GAS MAIN EASEMENT AS SET FORTH IN LIBER 1976 OF DEEDS, PAGE 159.

PARCEL IS SUBJECT TO A UTILITY EASEMENT AS SET FORTH IN LIBER 1962 OF DEEDS, PAGE 251.

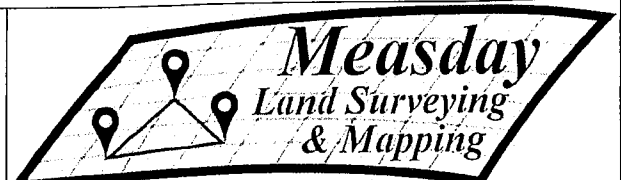
PARCEL IS SUBJECT TO COVENANTS, RESTRICTIONS & EASEMENTS AS SET FORTH IN LIBER 1915 OF DEEDS, PAGE 501 & ANY SUBSEQUENT AMENDMENTS.

CERTIFICATION:

THIS MAP WAS MADE FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED ON AUGUST 31, 2022 AND IS CERTIFIED TO:

- JAMIE E. SCANNELL
- PREMIUM MORTGAGE CORPORATION, ISAOA/ATIMA
- CHARLES J. SANTOLI, ESQ.
- BLOCK, LONGO, LAMARCA & BRZEZINSKI, P.C.
- ABAR ABSTRACT CORP.

[Signature]
 SCOTT E. MEASDAY, LS #050910



MEASDAY LAND SURVEYING & MAPPING

PO Box 910
 Webster, NY 14580
 ph: 585.505.4548
 www.MeasdayLSM.com



SURVEY MAP

PART OF LOTS 3 & 4
 3000 ACRE TRACT

TOWN OF CHILI

COUNTY OF MONROE
 STATE OF NEW YORK

CLIENT: MARCHIONI & ASSOCIATES

ADDRESS: 9 WYNCREST DRIVE

TAX ID: #134.13-1-61

PROJECT: 2022-0192 DATE: 09.07.2022

REVISION	DATE	BY

LEGEND:
 GENERATOR
 UTILITY RISERS
 AIR CONDITIONER
 UTILITY POLE & WIRES

0 30 60



SCALE: 1" = 30'

It is a violation of Article 145, Section 7209, of the NYS Education Law, for any person, unless he or she is acting under the direction of a licensed land surveyor, to alter any item of the map in any way.

This map is certified to only the parties listed hereon and the client for whom the map was prepared.

Copies not bearing the land surveyor's signature and stamp are not considered to be valid.