



Town of Huron
Zoning Board of Appeals
10880 Lummisville Road Wolcott NY 14590
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Regular Meeting - Agenda
Tuesday August 14, 2012 7:30 PM

Call to Order

Roll Call

Approval of Minutes: July 10, 2012 Meeting

Applications for Variance

#745-12-SP by **Gandy Stoddard** of Wolcott, NY for property at 11761 Ridge Road, Wolcott, NY to open marine and RV storage and repair shop. Section 42.0 of the Town of Huron states that boat storage, vehicle sales area and or large business be allowed in the ASA district by "Special Permit" granted by the Zoning Board of Appeals.

749-12A by **Edward Perkowski** of Fairport, NY for property at 7021 Lake Bluff Road, Wolcott, NY to build a 16ft. x 10ft. shed within 10ft. of side yard property line. Section 42.02 (a) of the Town of Huron Zoning Law states that all buildings and structures shall comply with the minimum 10ft. of side yard setback in the Resort Area.

750-12A by **Scott Clark** of Fairport, NY for property at 9416 Sunset Lane, Wolcott, NY to replace two sheds on the property requiring setback approval. Section 42.01 (k) of the Town of Huron Zoning Law states a parcel may have up to one storage shed, and 42.02 (a) of the Town of Huron Zoning Law states all buildings and structures shall comply with the minimum 10ft. of side yard setback in the Resort Area.

751-12A by **Paul Jeremenko** of Clyde, NY for property at 8232 East Bay Road, Wolcott, NY to replace existing cottage and add a 10ft. x 14ft. addition to the existing footprint, and build a 20ft. x 21ft. garage. Section 42.02 (b) requires all structures to have a 50ft front yard setback, 50ft. corner yard setback, 10ft. side yard setback, and a 25ft. rear yard setback of the Town of Huron Zoning Law. Section 46.90 requires extensions of a non-conforming structure to be allowed by variance granted by the Town of Huron Zoning Board of Appeals.

Correspondence

New Business

Adjournment

Variance and Special Permit Procedure

- A) Open hearing with reading of legal advertisement of the hearing in paper of record (Advertisement can be read or submitted for the record)
- B) State:
1. Case number
 2. Name of appellant(s)
 3. Location of property
 4. Variance request
 5. section of zoning law
 6. SEQR determination
- C) Open to floor:
1. Presentation by appellant
 2. Those speaking on behalf of appellant
 3. Those speaking in opposition to appellant
- D) Correspondence:
1. County (if applicable)
 2. Town Planning Board (if applicable)
 3. other related correspondence
- E) Record names of Zoning Board members who inspected the site.
- F) Open discussion and questions by board members.
- G) Move to approve or deny the application.
- H) Complete Area/Use Determination forms (Findings of Fact).

Summary of Criteria

Area Variance

Balancing test: Board of Appeals shall balance the benefit to applicant with detriment to health, safety, and welfare of the community.

Board of Appeals shall also consider:

- whether benefit can be achieved by other means feasible to the applicant;
- undesirable change in neighborhood character or to near-by properties;
- whether request is substantial;
- whether request will have adverse physical or environmental effects;
- whether alleged difficulty is self-created.

Use Variance

To allow a use not otherwise allowed in zoning, an applicant must demonstrate to the Board-**unnecessary hardship**. Such demonstration includes all of the following, for each and every permitted use:

- cannot realize a reasonable return--substantial as shown by competent financial evidence;
- alleged hardship is unique and does not apply to substantial portion of district or neighborhood;
- requested variance will not alter essential character of the neighborhood;
- alleged hardship has not been self-created.

If approved, the Board shall grant the minimum variance necessary, and may impose reasonable conditions.