

Village of Bloomfield

Zoning Board of Appeals Minutes October 22, 2020

Zoning Board of Appeals Members: Terry Hall (Chair), Emery J. Warden, Roslyn Duncan, Kimberly Gebo & Byran Bricco

Absent:

Others Present: Kimberly Rayburn (Secretary), Jim Kier (Building & Zoning) Kimberly Sutliffe (Applicant). Josette Vest (Applicant), & Terri H.

Hall opened the meeting at 7:00 pm, he read the public hearing notice and opened the public hearing.

I. Area Variance # BV2-20 Stacey & Kimberly Sutliffe property located at 7 East Main Street tax map # 68.13-1-67.000. Has applied for a 5 ft Area Variance to the side lot line where 10 feet is required.

Rayburn checked the signed neighbor notification letters or receipts of mailing.

Hall asked Sutliffe to explain her proposal. Kimberly stated that she inherited her parents' home and they have an 11 x 16 shed. She would like to bring to her house in Bloomfield. She would like it closer to the front of her house so it does not block the view of the back yard. Her neighbors on both sides of the property have a barn add a shed and they are pretty much on the line or maybe possibly over her line. Her property is narrow and long. If she kept a ten (10) foot side setback, it would basically look like it was in the middle of the yard, and she would like to keep the look somewhat uniform. Therefore, she is asking for a five (5) foot variance. Sutliffe stated there is still an existing concrete pad from the barn on the other side of the property she could put the shed there, but would like to replace the barn with a garage in the future. There had been a barn on it before she purchased the property, but the bank made them tear it down before they purchased the house. Hall asked the purpose of the shed, Sutliffe stated the shed will be used to house a lawn mower, a snowblower and decorations, etc. Sutliffe stated that having it off to the side by the neighbor's barn area won't take away the view of the backyard. She stated that when her kids are playing outback, she would like to be able to see them without an obstruction. Sutliffe has discussed this with her neighbor, then went out and measured off the five feet from their barn which is approximately two (2) feet onto her property, and they have no concerns. It gives the neighbor enough room to do whatever he needs to do with the barn. Gebo asked about the placement of the shed and where the entry doors would be. The barn will be 11 x 16 the side facing the road is eleven (11) feet wide. The front door will be facing the inside of Sutliffe's property as the roof line of the shed is along the sixteen (16) foot length. Gebo asked if the wall of the shed or the roof overhang will be five (5) feet off the neighbors' barn. Kier stated that the New York State code requires the buildings have to be 3 to 5 feet apart for safety from another structure. Gebo agreed and stated that since this is a variance the Board can impose other restrictions. Gebo also stated that since the barn is two feet onto Sutliffe's property she's asking to be seven (7) foot off the property line not (5), where ten (10) is required. Kimberly stated that when she reviewed the placement of the shed with the delivery company, they discussed the base being #2 crushed stone, the neighbors barn has a concrete base that is at an angle and they can put the stone right up to that barn to keep weeds down in between the structures. A brief discussion was held on gutters. Sutliffe stated its pretty dry back in that area she does not seeing that being an issue. Kier stated that you can't adversely affect your neighbor with a change that is made, if it becomes an issue Sutliffe is more than happy to put gutters on the shed.

Hall asked for any further comments, there were none. **Warden made a motion and Bricco seconded the motion to close the public hearing. All Board members present voted Aye. Vote was carried unanimously.**

Hall discussed SEQR. **Hall made a motion and Warden seconded the motion to declare SEQR a Type II action with no further action required. All Board members present voted Aye. Vote was carried unanimously.**

The Board then went on to review the five (5) state mandated balancing test.

1. benefit can be achieved by other means feasible to applicant-

The Shed can be placed in another location, but it's not feasible to the applicant

2. undesirable change in neighborhood or to nearby properties

The Shed will not be an undesirable change and it fits in with the nearby properties

3. whether request is substantial

The request is not substantial, requesting a three (3) foot variance to place shed seven (7) feet from the property line where ten (10) is required.

4. whether request will have an adverse effect physical or environmental

No physical or environmental adverse effects

5. whether alleged difficulty is self-created

Yes, the request is self-created

ZBA Decision:

Hall made a motion and Warden seconded the motion to approve area variance #BV2-20

Stacey & Kimberly Sutcliffe property located at 7 East Main Street tax map # 68.13-1-67.000. To place a shed seven (7) foot away from the property line with a three (3) ft Area Variance to the side lot line where 10 feet is required

Whereas:

1. **The Shed can be placed in another location, but it's not feasible to the applicant**

2. **The Shed will not be an undesirable change and it fits in with the nearby properties**

3. **The request is not substantial, requesting a three (3) foot variance to place shed seven (7) feet from the property line where ten (10) is required.**

4. **There are no physical or environmental adverse effects**

5. **The request is self-created**

Roll call vote: Hall Aye, Warden Aye, Duncan Aye, Gebo Aye, Bricco Aye.

All Board members present voted aye, Vote was carried unanimously.

II. Area Variance BV3-20 Josette Vest property located at 6-8 Main Street tax map # 67.20-2-31.000. She has applied for a variance for an awning for her shop of 48 sq ft where 16 sq ft is allowed.

Hall opened the public hearing and asked Vest to explain her proposal. Vest stated that she painted the front of the building and removed her old sign. She would like to replace it with a nice awning. The awning will have a sign in the middle of it. Hall asked how wide the awning will be, Vest stated it will project out three (3) feet. And is styled like a shed roof. Hall asked about the color, Vest stated it will be charcoal. Hall stated he reviewed the sign code and the area of the sign covers eight (8) +/- sq feet of the awning and the website and phone number covers another two (2) sq ft so the sign itself meets the requirements. Kier stated that it's the size of the awning that is larger than what is allowed. He also added that he thinks the awning will look nice and it will give it a consistent look across the store front. Gebo asked if it will be an issue for the sidewalk snow plow? Vest stated it would not. A discussion was held on the size, Gebo stated that she would rather see the awning the full length of her business. A discussion was held on the adjacent neighbor Call Joe. Vest stated that he looked into an awning as well but his store front is a lot longer than hers and it was cost prohibitive. Kier informed the Board that Joe's plan is to resurrect an original perpendicular pole sign that will be placed on an existing pole on his building that will be above the awning. Bricco stated he feels the awning will be attractive and classic. Hall stated the code says the awning will not be back lit, Vest stated there are two (2) existing eyeball lights that point down. She stated that she may put Christmas lights up under the awning. Duncan asked if the awning was retractable. Vest stated it is not. Hall asked what type of material the awning is made of? Vest stated its umbrella fabric.

Hall then stated there should not be an issue with fading as it will be facing North. If it were facing South it could be a concern.

Bricco made a motion and Hall seconded the motion to close the public hearing. All Board members present voted Aye. Vote was carried unanimously.

Hall discussed SEQR. **Hall made a motion and Duncan seconded the motion to declare SEQR a Type II action with no further action required. All Board members present voted Aye. Vote was carried unanimously.**

The Board then went on to review the five (5) state mandated balancing test.

1. benefit can be achieved by other means feasible to applicant-

The awning could be smaller, but the Board feels aesthetically it will look better the length of the business

2. undesirable change in neighborhood or to nearby properties

The awning will not be an undesirable change and it fits in with the nearby properties

3. whether request is substantial

The request is substantial per code but not to the area its being placed in. Requesting 48 sq ft where 16 sq ft is allowed

4. whether request will have an adverse effect physical or environmental

No physical or environmental adverse effects

5. whether alleged difficulty is self-created

Yes, the request is self-created

ZBA Decision:

Gebo made a motion and Bricco seconded the motion to approve area variance BV3-20 (Owner) Josette Vest, property located at 6-8 Main Street tax map # 67.20-2-31.000. for a variance to the size of an awning for her shop of 48 sq ft where 16 sq ft is allowed.

Whereas:

1. **The awning could be smaller, but the Board feels aesthetically it will look better the length of the business**

2. **The awning will not be an undesirable change and it fits in with the nearby properties**

3. **The request is substantial per code but not to the area its being placed in. Requesting 48 sq ft where 16 sq ft is allowed**

4. **There are no physical or environmental adverse effects**

5. **The request is self-created**

Roll call vote: Hall Aye, Warden Aye, Duncan Aye, Gebo Aye, Bricco Aye.

All Board members present voted aye, Vote was carried unanimously.

III. Discussion:

Warden and Hall discussed training requirements

IV. Motions on minutes:

Minutes of December 12, 2019.

Warden made a motion and Gebo seconded the motion to approve the minutes from 12/12/2019.

All Board members present voted Aye, with the exception of Bricco who was not present at the 12/12/2019 ZBA meeting.

Minutes of August 27, 2020.

Warden made a motion and Gebo seconded the motion to approve the minutes from 8/27/2020.

All Board members present voted Aye, with the exception of Duncan who was not present at the 8/27/2020 ZBA meeting.

V. Meeting Adjourned: Hall made a motion and Warden seconded the motion to adjourn the meeting at 7:35 pm. All Board members present voted aye, Vote was carried unanimously.

Respectfully submitted,

Kimberly Rayburn

Town of East Bloomfield & Village of Bloomfield

Planning Board Secretary

Zoning Board of Appeals Secretary &

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