

Joint Town/Village of Lima Zoning Board of Appeals Meeting

February 2nd, 2016

MEMBERS PRESENT:

John Bailey; Chairman, Dennis Neenan, Duane Thompson, Duane Fuller, Steve Werner, Andy Matthews.

MEMBERS EXCUSED:

Jim Van Dick; Vice Chairman

ATTENDEES

Charlie Johnson; Code Enforcement Officer, Cathy Gardner; Town Board Liaison,

GUESTS

Don Knab

The meeting of the Joint Town/Village of Lima Zoning Board (The Board) was called to order 7:00 p.m. on Tuesday, February 2nd, 2016 and opened with the Pledge of allegiance.

OLD BUSINESS

Minutes

Following clarification the minutes will be approved by email.

NEW BUSINESS

7279 Heath Markham Rd

The applicant, Don Knab, presented his request for an area variance with relief from setback regulations to allow a proposed addition to the commercial building formerly known as Chiapperino Auto Sales. The building currently houses two tenants, both of which are requesting additional space. The proposed addition is single story, about 1775 square feet and attaches to the north and west sides of the existing building. The existing building is non-conforming to setbacks on both the Rochester Rd side (varies 21' to 41' where 50' is required) and on the Heath Markham side (40' where 50' is required). The proposed new south wall would align with the face of the existing south wall. The proposal would also require relief from setback on the north side.

The tenant in the east end of the building desires to install an auto-lift, which requires more headroom that is available in the existing space. The applicant stated that his engineer told him that wind load would prevent them from being able to add additional height. Therefore the addition contiguous to his space (on the north side) needs to be wide enough to house the lift with perimeter working space. That would put the north east corner of the addition 16.37' from the property line. The applicant also stated that he owns the land adjoining this property on the north side but is prevented from adding any land to this parcel because of the nature of the recent mortgages on both parcels. The property line does not run parallel to the building on its north side.

The Board discussed the application and determined from the town code section 250.9 *building line front* definition that Heath Markham Rd is to be considered the front of the building. Therefore 50' set back is the requirement. The north side would then be considered the back, and since

both parcels are zoned general business, 20' would be the required setback there. That leaves 3.67' of one corner out of conformance, the size of that number quickly diminishes along the length of that wall.

The Chairman noted that the Agricultural Data Statement was duly completed and submitted. The SEQR was filed as type II. The referral from the Planning Board and the response from the County Planning Board were read into the record. The five questions for an area variance were reviewed in detail and all answers were found to be minimal or no impact.

Steve made a motion to grant the variance as proposed with two stipulations: the south face of the addition is to align with the existing south face of the building and the North east corner encroachment is not to exceed 4' over the 20' set back line. Andy seconded the motion. All were in favor and the variance was conditionally granted.

A motion was made by Steve to close the meeting. Duane Thompson seconded and the meeting closed at 8:25

Cindy DePuy; Secretary.