

Village of Sodus Point Zoning Board of Appeals Meeting Monday, September 14, 2021  
In Village Hall and on Zoom

Present:

Tom Johns, Lynn Carlyle, Sue Bassage, Laurie Hayden, Steve Nesspor. Kevin Druschel (Code Enforcement Officer) on line

Attendees:

In Person: Steve and Eva Hyatt; Gene Wahl

On line: Joan Zerbe Brandt, David Brandt

Mr. Johns called the meeting to order at 7:01 p.m. He stated there was one application for hearing at this meeting – an area variance application from Steve and Eva Hyatt, 7144 Central Ave, to construct a 10' x 12' shed one foot from the south property line where 5 feet is required and one foot from the rear property line where 12.5 ft. is required (Code 190-11).

This hearing was advertised as required in the Wayne County Times and on the bulletin board outside Village Hall. The proposed density coverage by adding the shed is 29.8867%.

Mr. Hyatt told the board that he needed additional storage. He had recently built a 2-story addition and new garage on the property. He described that the shed will be sided in the same materials as his house.

Tom noted that Mr. Hyatt's hardship is the lot size, which is 50 x 100 feet.

Comments were opened to the public, and Gene Wahl, neighbor to the south, spoke. He advised that Mr. Hyatt's physical layout for the placement of the proposed shed was actually on the property line – not 1 ft off the line as he was requesting in his application. Mr. Hyatt stated that the stake and wire are on the line, and the framework is not 1 ft off the line but may be 4 inches off the line. He said that he might need 6 inches – not one foot. Mr. Wahl reiterated that he wanted the board to know that the layout was not 1 ft off the line.

Mr. Hyatt asked about the placement of a fence, where does it go? Tom explained that an application for a fence 4 ft or taller must go before the Planning Board and then to the ZBA if taller than 4 ft., and it should be placed on the property line.

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Why, then, asked Mr. Hyatt, can't a shed go on the line? Tom explained that structures do not follow the same code as a fence application and that fences don't typically block views or breeze. Mr. Hyatt said that his shed would be on skids so that it could be moved.

Mr. Johns asked if anyone else would like to speak from the public, and David Brandt advised he owns the property behind the Hyatts. He pointed out that the code for setback in recent years had relaxed somewhat to help smaller lots, and he felt that a 5 ft setback was already reasonable. He stated he hopes that the Zoning Board would recognize this and not allow the building be placed so close to the property line. He also stated that the hardship was self-created and that Mr. Hyatt had built a large patio first. Perhaps, he said, the shed should have been added first. Mr. Johns said that the Brandts' letter that had been sent to the board would be entered into the file.

With no other public comments, Mr. Johns closed public discussion. He then asked for comments/questions from the Board. Ms. Bassage cited the criteria that the Board must consider in approving an area variance: whether an undesirable change would result in the character of the neighborhood or a detriment to nearby properties by granting the area variance; whether or not there is an alternative other than the variance sought; whether the request is substantial; whether the variance would have an adverse effect on the physical or environmental conditions in the neighborhood, and whether the alleged difficulty is self-created. Ms. Bassage noted that the answers to these questions indicate that there would be a detrimental effect on the neighborhood, and the hardship is self-created, in that the shed should have been planned before and not as an afterthought.

Ms. Hayden pointed out that approval would set a precedent in the village, and she wondered why storage wasn't a consideration in the planning of the addition and garage, which also required area variances. She asked if the shed could be moved back toward the garage. CEO Druschel advised that placing it anywhere on the property at this point would require a variance.

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Mr. Johns asked if the smaller lots, such as this one, would qualify for a smaller set back. CEO Druschel advised that the setback requirement as advertised was already shorter than a regular sized lot.

Mr. Nesspor and Mr. Carlyle had no questions or comments. Mr. Johns commented that this request was substantial in nature.

Ms. Bassage moved to accept the application as submitted; however, there was no second to the motion, so the application was rejected.

Old business: Mr. Johns reviewed the actions of the last ZBA meeting for those board members who were not present. Mr. Nesspor moved to accept the minutes, and Ms. Bassage seconded the motion. The minutes of this meeting were approved unanimously by those present at this meeting.

Upcoming business: CEO Druschel advised that we would be receiving applications in October.

There being no further business, Mr. Carlyle moved to adjourn the meeting; Ms. Bassage seconded the motion, and all voted to adjourn at 7:28 p.m.

Laurie Hayden