

**PENFIELD ZONING BOARD OF APPEALS
NOTICE OF DECISIONS**

PLEASE TAKE NOTICE that a Public Hearing was held on Thursday, July 15, 2021, immediately following a work session meeting commencing at 6:30 PM local time by the Penfield Zoning Board of Appeals to consider each of the following applications. The Board's decisions are as follows:

Public Hearing Applications:

1. Gary & Lynn Pino, 39 Mt. View Crescent, Webster, NY, 14580 request an Area Variance under Section 250-14.3 of the Code to allow an existing residence with less setback than required under Section 250-5.1-F (1) of the Code at 39 Mt. View Crescent. The property is currently or formerly owned by Gary & Lynn Pino and is zoned R-1-20. SBL #093.20-1-54.3. Application #21Z-0032.

APPROVED WITH CONDITIONS

2. Evan Schutt/Schutt's Apple Mill and Country Store, Inc., 1063 Plank Road, Webster, NY 14580 requests a Conditional Use Permit under Section 250-13.3 and Section 250-5.1-E (1) (k) of the Code to allow a second agricultural events tent at 1068 Plank Road. The property is owned by Martin Schutt and is zoned RR-1. SBL #094.04-1-30.101. Application #21Z-0036.

APPROVED WITH CONDITIONS

3. Douglas McAvoy, 6 Katsura Court, Penfield, NY, 14526 requests Area Variances under Section 250-14.3 of the Code to allow two existing storage buildings whereas a maximum of one storage building is allowed under Section 250-5.1-D (4) of the Code and to allow an existing storage building with less setback than required under Section 250-5.1-F (12) (b) of the Code at 2515 Penfield Road. The property is currently or formerly owned by Douglas McAvoy & Vicki Henderson and is zoned RR-1. SBL #140.02-1-29.1. Application #21Z-0037.

APPROVED WITH CONDITIONS

4. David & Charcy Schultz, 1735 Gloria Drive, Fairport, NY, 14450 request an Area Variance under Section 250-14.3 of the Code to allow a storage building with less setback than required under Section 250-5.1-F (12) (b) of the Code at 1735 Gloria Drive. The property is currently or formerly owned by Charcy Shultz and is zoned RA-2. SBL #111.03-1-24. Application #21Z-0039.

APPROVED WITH CONDITIONS

5. Paul Colucci/DiMarco Baytowne Associates, LLC, 1950 Brighton-Henrietta Town Line Road, Rochester, NY, 14623 requests a Special Permit under Section 250-10.3-A of the Code to allow three building-mounted signs whereas a maximum of one building-mounted sign is allowed under Section 250-10.13-C of the Code at 1900 Empire Boulevard. The property is currently

or formerly owned by DiMarco Baytowne Associates, LLC and is zoned GB. SBL #093.02-1-23.111. Application #21Z-0040.

APPROVED WITH CONDITIONS

6. Alan Rainbow/DiMarco Baytowne Associates, LLC, 1950 Brighton-Henrietta Town Line Road, Rochester, NY, 14623 requests a Conditional Use Permit under Section 250-5.7-C (1) (k) and Section 250-13.3 of the Code to allow outdoor community events at 1970 Empire Boulevard. The property is currently or formerly owned by DiMarco Family Empire, LLC and is zoned GB. SBL #093.02-1-13.1. Application #21Z-0042.

APPROVED WITH CONDITIONS

7. Larry DiFlorio, 94 Country Lane, Penfield, NY, 14526 requests an Area Variance under Section 250-14.3 of the Code to allow a front porch with less setback than required under Section 250-5.1-F (1) of the Code at 94 Country Lane. The property is currently or formerly owned by Larry DiFlorio and is zoned R-1-15. SBL #124.18-1-24. Application #21Z-0043.

APPROVED WITH CONDITIONS

8. Elisabeth Vella, 570 Culver Parkway, Rochester, NY, 14609 requests a Use Variance under Section 250-14.3 of the Code to allow a commercial use on single-family residentially zoned property at 44, 50 and 56 Wilbur Tract Road. The properties are currently or formerly owned by Elisabeth Vella and are zoned R-1-20. SBL #108.10-1-1.113, 108.10-1-1.2 and 108.10-1-1.112. Application #21Z-0041.

ZBA RENDERED AN INTERPRETATION THAT THE 1964 USE VARIANCE
ALREADY APPLIED TO 50 WILBUR TRACT ROAD RENDERING CONSIDERATION
OF THE CURRENT REQUEST MOOT

Amy Steklof
Town Clerk, RMC/CMC