

ZONING BOARD OF APPEALS AGENDA

Public Hearing Application # 4

Application # 21Z-0039
David and Charcy Schultz
1735 Gloria Drive

See Pages to Follow



Letter of Intent

212-0039

Town of Penfield
3100 Atlantic Avenue,
Penfield, NY 14526-9798

Dear Penfield Zoning Board,

I am writing to seek a variance for my single-family home at 1735 Gloria Drive, Fairport NY 14450. Current zoning rules require that the structure set back requirements must be at least 50 feet from the side property lines; I respectfully request to build a storage structure/Pole Barn at 25 ft from the side set back property line.

Reference: *Town of Penfield, NY/ Part II: General Legislation/Zoning and Land Use, Article V District Regulations 250-5.1 Single-family residential districts, Section F.12.(b)* "The minimum rear setback for sheds and storage buildings shall be 10 feet. Any accessory shed or storage building greater than 300 square feet in area shall be placed 50 feet or more from any property line."

The main reasons for this variance request are:

1. Trees: If we abided by the current 50 feet side set back rule, we would need to remove 3 - 30 feet tall mature trees. Not only does that cost but we love those trees and feel they add beauty to the property.
2. House: If we abided by the current 50 feet side set back rule, we would need to create more driveway as the proposed Barn would need to wrap behind the house as opposed to it being in line with the driveway. We feel this may someday impact resale value as it would also obstruct the view of the back tree line from the house. Our lot is long and narrow, the house sits back about 250ft from the road.
3. Driveway: If we abided by the current 50 feet side set back rule, we would need to create more driveway as the proposed structure would need to wrap behind the house as opposed to it being in line with the driveway. This would create additional cost with extending the driveway.

To address the following five (5) factors for consideration by the Zoning Board (Referenced in Section 5 of the *ZBA Application Area Variance* document:

(1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

Response: Our neighborhood is full of barns and our intent is to have a well-kept, beautiful barn and yard to preserve the beauty of the neighborhood. With a Barn, we will more easily be able to store our family's stuff in a nice beautiful well-kept barn. We have 3 children and with children come stuff. For example, from bikes to ride on toys to larger things (like cars when they are of age). This storage building will help keep all the stuff that is now outside, inside so we can enjoy the natural beauty of the property. We are neat people, and we prefer our stuff to be neatly put away. The problem is we are running out of space. We love the neighborhood, but our other option would be to move.

(2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

Response: Our alternative is to move to a property that has the space and storage our family needs (Family of 5).

(3) Whether the requested area variance is substantial;

Response: The structure is of great size (30x50) and worth (+\$50k). We feel the structure will be appealing to the value of the home and the neighborhood. Many of our neighbors have similar structures.

(4) Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

Response: We are not aware of any adverse effects or impact on any physical or environmental conditions in the neighborhood.

(5) Whether the alleged difficulty was self-created. (In contrast to the context of a use variance, in the context of an area variance application, whether or not the alleged difficulty was self-created shall be relevant to the decision of the Board of Zoning Appeals but a finding that the difficulty was self-created shall not in and of itself preclude the granting of the area variance.)

Response: We do not believe the alleged difficulty was self-created. The position of mature trees, the house, and the driveway have been factors when considering placement of the storage structure/Pole Barn.

Attachments:

- a) Neighbor Letter
- b) Town of Penfield Permit
- c) Short Environmental Assessment Form
- d) ZBA Application
- e) Survey with proposed Barn location
- f) Martin Builders Insurance
- g) Martin Builders Barn with Architect Stamp 1
- h) Martin Builders Barn with Architect Stamp 2
- i) Martin Builders Certificate of Liability
- j) Martin Builders Barn floor layout

Thank for consideration and time for review.

Kindly,

Charey Schultz and Dave Schultz

RECEIVED
JUN 11 2021
 By _____

TAPE LOCATION MAP

212-0039

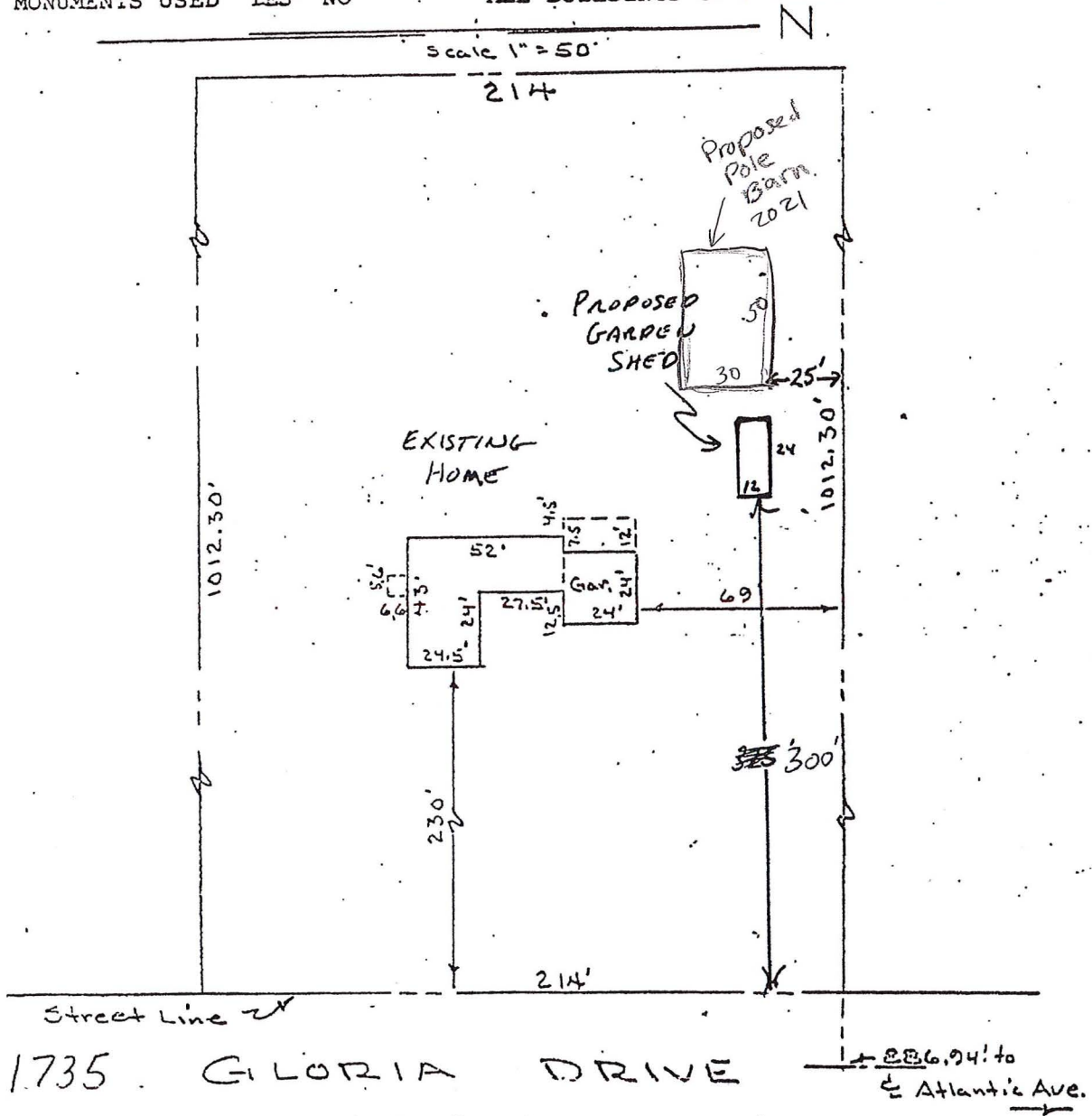
PART LOT NO. 6 TWP. 13. SUBDIVISION RANGE 4

CITY OF PENFIELD, MONROE COUNTY, NEW YORK
 TOWN
 VILLAGE

SHOWING ONE STORY BRICK DWELLING

DISTANCE AS SHOWN FROM NORTH PROPERTY LINE ACTUALLY MEASURED

MONUMENTS USED YES- NO ALL BUILDINGS ON PREMISES ARE SHOWN



REFERENCES:

L 198 MAPS P 1
 L _____ DEEDS P _____

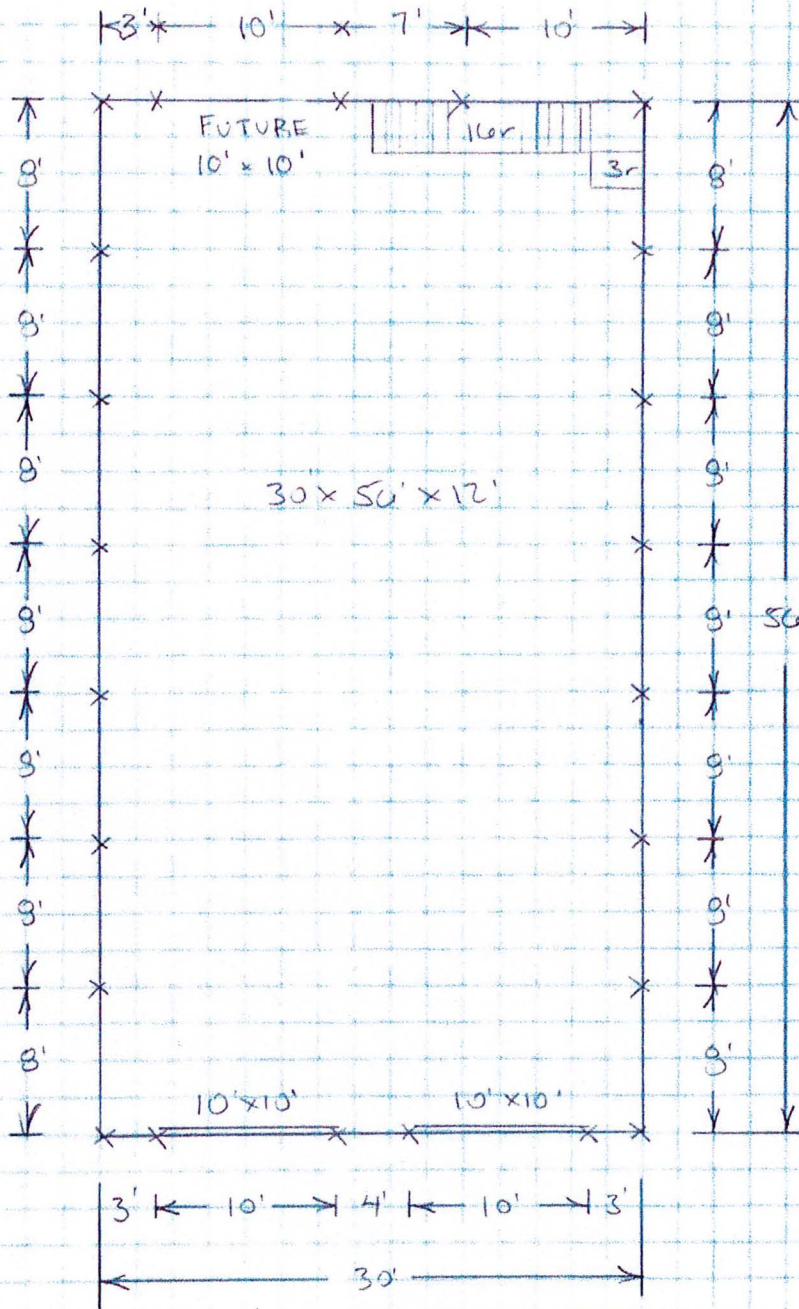
I, Herman J. Klingenberg, certify that this map was prepared on July 3, 1976 from notes of a tape survey completed on July 3, 1976

Herman J. Klingenberg L335-119

Herman J. Klingenberg, L.S. 35419

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JUN 11 2021
By _____

217-0039





Pickering Sign LLC Sign Map
1735 Gloria Drive
Aerial Map



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