



Regarding question #2: *Show that the hardship is unique and is not shared by all properties in the neighborhood.*

Ms. Henshaw believes it is not a common situation in the neighborhood. Ms. Harris and Ms. Haller agreed.

Mr. Wilmer said the commercial space that was located in the home previously makes it a somewhat unique situation.

Chairman Bader added that the three preexisting apartments also contribute to the uniqueness.

Mr. Brazill asked if there are any restrictions for operating a daycare in an apartment building. Mrs. Polimeni said no. They received approval from the Office of Child and Family Services to operate the daycare when they first purchased the building in 2002. The apartments were being rented at that time.

Regarding question #3: *Show that the granting of the variance will not alter the essential character of the area.*

Mr. Wilmer pointed out that there would be no physical alterations to the property.

Chairman Bader noted that the applicant is requesting to revert back to the historical use of the property.

Regarding question #4: *Show that the hardship is not self-created.*

Ms. Harris recognized that the applicant purchased the property with existing apartments and commercial space.

Mr. Wilmer agreed and added that the applicant is seeking to regain rights that have been lost.

Chairman Bader led the board through the short SEQR Environmental Assessment Form.

Mr. Roberts moved that the Zoning Board of Appeals make a determination that this application will not have a significant adverse effect on the environment and that a SEQR Negative Declaration be filed. Ms. Haller seconded the motion which carried by unanimous voice vote (7-0).

Chairman Bader asked if there were any other comments or questions. Hearing none, he called for a motion.

Mr. Wilmer moved that the board Approve the application as submitted and presented with the following condition:

1. The commercial occupancy shall be limited to those uses permitted by a Special Use Permit, and subject to Planning Commission approval.

Mr. Wilmer approved the application for the following reasons:

- #1. The applicant cannot realize a reasonable return as demonstrated by competent financial evidence;
- #2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- #3. The requested use variance will not alter the essential character of the neighborhood; and
- #4. The alleged hardship has not been self-created.

Mr. Roberts seconded the motion, which carried with a vote (7-0)

Ryan Wilmer	Voting	YES
John Roberts	Voting	YES
Roger Brazill	Voting	YES
Julie Harris	Voting	YES
Susan Haller	Voting	YES
Carol Henshaw	Voting	YES
Joseph Bader	Voting	YES

Ms. Harris left the meeting at this time.

**ITEM 02      Application #22-316: 25 Clark Street, JANET WALKER requesting an Area Variance necessary to construct a 240 SF storage building. In accordance with §850-30 of the Zoning Ordinance, storage buildings cannot exceed 165 SF.**

Brandon Adams, son-in-law to the applicant, presented the application. There is presently a 10' x 10' shed on the property, but it is not large enough to house the necessary lawn equipment and outdoor furniture, and it is in poor condition. They are proposing to replace it with a 12' x 20' shed in the same location.

Chairman Bader opened the Public Hearing. No one came forward and Mr. Brown noted that no written comments have been received. Chairman Bader closed the Public Hearing.

This is a request for an Area Variance and the board will be weighing the benefit of the variance to the applicant against the detriment of the variance to the neighborhood. Chairman Bader led the board through the five-part test.

Beginning with question #1: *Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.*

Mr. Roberts does not believe the larger shed will have any negative impact.

Chairman Bader realizes the need for a larger storage building. It will not be visible from the street and therefore, unlikely to be a detriment to nearby properties.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Chairman Bader pointed out that two storage buildings, at 165 square feet each, are permitted in the city. However, this would be less practical.

Regarding question #3: *Show that the requested variance is not substantial.*

Ms. Haller and Ms. Henshaw believe it is a substantial increase.

Chairman Bader believes it is not substantial. He reiterated that two storage buildings, up to 165 square feet each, are permitted, for a total of 330 square feet. The structure they are proposing is 240 square feet.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Mr. Roberts said the structure will not be visible, therefore the neighborhood will not be impacted.

Chairman Bader added that the increase in size is not substantial enough to create significant run-off.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Ms. Haller believes it is self-created.

Chairman Bader recognized that storage options are limited on this property. It is not wide enough to construct a garage.

Ms. Henshaw understands the need for additional storage for lawn equipment.

Chairman Bader asked if there were any other comments or questions. Hearing none, he called for a motion.

Mr. Roberts moved that the board Approve the application as submitted and presented for the following reasons:

- #1. The granting of the variance will not produce an undesirable change in the character of the neighborhood create a detriment to nearby properties.
- #2. The benefit sought by the applicant cannot be achieved by some other feasible means that would not require a variance.
- #3. The variance is not substantial.
- #4. The proposed variance will not have an adverse impact on the environmental conditions in the neighborhood.
- #5. The hardship is not self-created.

Ms. Haller seconded the motion, which *carried* with a roll call vote of (6-0):

Ryan Wilmer	Voting	YES
John Roberts	Voting	YES
Roger Brazill	Voting	YES
Julie Harris	Absent	
Susan Haller	Voting	YES
Carol Henshaw	Voting	YES
Joseph Bader	Voting	YES

### ADJOURNMENT

Ms. Haller moved to adjourn the meeting at 7:33, seconded by Mr. Roberts and carried by unanimous voice vote (6-0).

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Richard E. Brown, Secretary

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Joseph Bader, Chairman