

**TOWN OF KENDALL
ZONING BOARD OF APPEALS
MEETING MINUTES**

July 13, 2021 at 7:00 p.m.

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| ATTENDANCE: | Chair. Patrick Bolton | - present |
| | Fletcher Rowley | - present |
| | Becky Charland | - present |
| | Shad Speer | - present |
| | Dan Mattle | - present |

Also present: Code Enforcement Officer Hennekey and Recording Secretary Bakutis.

Public: Andrew Engelbert,
Lisa and Dan Zimmer, 15759 Knapp Shore Rd.
Bob McGregor, 1909 W. Kendall Rd.

Chairman Bolton called the meeting to order at 7:03 p.m.

REVIEW ENGLEBERT VARIANCE REQUEST (21VAR05) – TAX ID #11-13.1-6

The board revisited the Engelbert variance request to build a 3,600 square foot barn. Patrick feels they heard enough from the applicant and the neighbors that they have enough information to make their decision tonight. Shad motioned to approve the variance and wants to add he believes this variance is a unique situation given the size of the lot, the building will be pretty much out of view, and it is also stated by the owner this is not for business use. He explains the board has received comments from the neighbors stating they were ok with the barn being built if it was not used for business. He also wants to express that he believes there are issues with the code that need to be addressed. Patrick feels the applicant should go to the town board to request his property be rezoned. Dan seconded the motion to approve the variance. Becky made a motion to deny the variance, she feels it is too big of a structure for the area, being the size that it is, it will set precedent for the area and other landowners in the area may feel they can do the same. It's just too large of a variance for her to accept approval. Fletcher seconded. Patrick is denying it also but would like to add there is already an existing non-conforming structure on the property, the structure the applicant wants to build is three times the size of that, he feels it's too much to ask of the board so he too will not be approving the variance.

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| ROLL CALL VOTE: | Dan Mattle | - aye |
| | Becky Charland | - nay |
| | Shad Speer | - aye |
| | Patrick Bolton | - nay |
| | Fletcher Rowley | - nay |

APPLICATION DENIED: For a variance to construct a 3,600 sq. ft. pole barn on a property with an existing barn in excess of 1,200 sq. ft. Variance request from Article V, Section 265-28 F. (8)(b) allowing a single detached barn at a 1,200 sq. ft. maximum. Variance was denied at a 3-2 vote.

APPROVAL OF MINUTES:

Minutes from the June 8, 2021 meeting submitted by Recording Secretary Bakutis were reviewed. Shad moved to accept the minutes as presented, seconded by Patrick. All in favor. Minutes from the May 11, 2021 meeting submitted by Recording Secretary Bakutis were reviewed. Shad moved to accept the minutes as amended, seconded by Patrick. All in favor.

PUBLIC HEARING FOR A VARIANCE - TAX ID #9.6-1-18

Chairman Bolton opened the public hearing at 7:15 p.m. He read the public notice:

Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals of the Town of Kendall on Tuesday, July 13, 2021 at 7:15 p.m. at the Kendall Town Hall, 1873 Kendall Road, to consider the application of Dan Zimmer, 15759 Knapp Shores, Tax ID #9.6-1-18. Applicant seeks variances for a 12-foot x 24-foot storage shed with a side setback of 2-feet. Seeking relief from Article V, Sections 265-28E(2)(a)[2] and 265-28 F(6)(b) requiring a minimum of a 5-foot setback on one side and a continuous 12-foot setback on the other. Also, requesting a rear setback variance of 10-feet from Article V, Section 265-28 E(2)(a)[3] requiring a 20-foot rear setback. Property is zoned Waterfront Residential (WR). All persons wishing to speak will be heard at this time. ALL current COVID-19 restrictions regarding public gatherings will be in effect. A copy of the application is available for review by contacting the Town of Kendall Clerk’s Office at (585) 659-8721.

Patrick Bolton
Chair, Zoning Board of Appeals

Applicants were asked to explain why they are seeking the variance. Lisa told the board her parents owned the house for 42 years; she has owned it for the last 6 years and would like to expand existing structure because storage in the house is minimal. The leach field is in the front yard next to the driveway, on the opposite side of where the shed is now, they feel this is the only spot it can built.

The board members discussed the appropriate criteria for the variance, they reviewed all the documents submitted by the applicant including letters of support submitted by neighbor’s, Pamela Donnelly and Angie ???. Fletcher Rowley motioned to approve the variance, seconded by Shad Speer. All in favor. Chairman Bolton asked for a roll call vote with the following results:

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| 21VAR06 (Zimmer) – ROLL CALL VOTE: | Dan Mattle | - nay |
| | Becky Charland | - aye |
| | Shad Speer | - aye |
| | Patrick Bolton | - aye |
| | Fletcher Rowley | - aye |

APPROVAL GRANTED: Variances for a 12-foot x 24-foot storage shed with a side setback of 2-feet, seeking relief from Article V, Sections 265-28E(2)(a)[2] and 265-28 F(6)(b) requiring a minimum of a 5-foot setback on one side and a continuous 12-foot setback on the other and a rear setback variance of 10-feet from Article V, Section 265-28 E(2)(a)[3] requiring a 20-foot rear setback has been approved at a 4-1 vote.

CODE ENFORCEMENT:

No new business.

TOWN BOARD UPDATE:

TB Liaison Newell told the board their continuing to work on the short term rental situation. They are working on the first draft so they can share with zoning and planning boards.

ADJOURNMENT:

Shad Speer made a motion to adjourn, seconded by Becky Charland. All in favor. Meeting adjourned at 7:52 p.m.

NEXT MEETING:

Tuesday, August 10, 2021 at 7:00 p.m.

Respectfully Submitted,

Tammy Bakutis
Recording Secretary