

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – June 3, 2021**

A meeting of the Zoning Board of Appeals of the Town of Sweden was held at the Sweden Courtroom, 18 State Street, Brockport, New York on June 3, 2021, commencing at 6 p.m.

Members present: Robert Carges, Kevin M. Johnson, Pauline Johnson, Mark Sealy, Mary Ann Thorpe.

Also present: Nat. O. Lester, III, ZBA Counsel; Charles Maynard; Kathleen O’Sullivan.

Chairperson Thorpe called the meeting to order at 6 p.m. and asked everyone to say the Pledge of Allegiance.

Application of Charles Maynard, 5344 Brockport-Spencerport Road, Brockport, New York, for an area variance to construct a two-car garage addition with living space above the garage to include 3 bedrooms and 1 bathroom located at 5344 Brockport-Spencerport Road, Brockport, New York. The proposed addition will be located 69 ft. from the front property line where a 75 ft. front setback is required. *Town of Sweden Ordinance §175-36 R1-2 One-Family Residential Districts. D. Lot and area requirements shall be as follows: (c) Required setbacks. [1] Front: 75 feet.* The property is owned by Charles E. Maynard, tax account number 085.01-2-23.

Maynard - 5344 Brockport-Spencerport Road

Mr. Charles Maynard addressed the Board. He explained that they are expecting twins, which is what prompted the need for a proposed addition. The existing house is just over 900 sq. ft. The architectural plans before you show the garage addition with 3 bedrooms and 1 bathroom over the garage. The existing house is located 74 ft. from the front property line. We had a couple different options, but the one before you, has the least impact on the front setback.

Mr. Maynard explained the biggest reason for the area variance is the depth of the garage needed to park a car in it and that the driveway is approximately 5 ft. to 6 ft. below the first level of the house, which requires a half flight of stairs to that level and then stairs needed to the second story. The stairs are situated in the far back corner of the garage. Expanding the width of the garage is an option; however, it would infringe upon the side setback and cut off the path to the backyard.

Mrs. Pauline Johnson asked for clarification regarding the stairs. Mr. Maynard explained where the existing house and proposed stairs were located on the drawing. What is the reason why the stairs would not work if pushed back 9 ft.?

Mr. Sealy explained that the stairs must be accessible from inside the house. If they are moved back another 9 feet, they would not be accessible. The stairs would be outside the addition. Mrs. Johnson clarified which stairs on the drawing go to the basement.

Mr. Maynard stated the architect explained another reason for the proposed addition at this location is that it is the most functional and aesthetically pleasing view of the house.

Mrs. Johnson stated she visited the site and when the addition was measured flush with the house, it came to the end of the driveway. Mr. Maynard agreed the driveway does go back approximately five feet.

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – June 3, 2021**

Mr. Kevin Johnson stated if the garage were flush with the house, it could work without the variance. Mr. Maynard stated the problem would be where to put the stairs, so they go into the existing house. Mr. Sealy added there must be enough room to park a car which would then push the stairs outside the existing back wall of the house. Mr. Sealy showed Mrs. Johnson on the drawings. Mr. Maynard understood that the addition could work by pushing it back flush with the existing house, but a walkway from the existing house to the stairs would still need to be built. Mr. Sealy stated if he were building an addition, he would want it to connect to the existing house.

Mrs. Johnson asked if Mr. Maynard had drawings of the other options. She does not understand why there cannot be stairs that go into the garage from the back of the addition, and then another set of stairs into the existing house. Mr. Sealy could not tell if there would be enough room in the garage to do that. Mrs. Johnson asked if there was a better drawing available. Presently, there is a deck at the back of the house and the proposed garage addition would end up at the end of the driveway if flush with the front of the house. Discussion took place regarding the length of the proposed garage and if there was enough room to park a car. The proposed garage addition is 20 ft. x 30 ft.

Mrs. Pauline Johnson stated the job of the Zoning Board of Appeals is to make sure there is not a way to build the proposed addition without a variance.

Counsel Lester asked if there was an option to add the bedrooms on the east side of the house minus the garage at the 74 ft. setback. Mr. Maynard stated there is some room there, but without his surveyor's map in front of him, he is not sure. Mr. Johnson referenced the map and stated there's approximately 32 ft. from the back east corner of the house to the lot line. Mr. Maynard stated that was an option, however, he has a lot invested on that side of the house as he built a natural stone retaining wall on that side.

Counsel Lester explained Mrs. Johnson is trying to follow the code for the whole Town. A list of tests should have been given to you to respond giving the Board an understanding of all the options they have to review. Ms. O'Sullivan stated she received the list of tests. Mr. Maynard stated he reviewed the list but did not understand the format for the meeting.

1. Whether benefit can be achieved by other means feasible to applicant.

Mr. Maynard stated putting the two bedrooms on the east side of the house could work, but a major part of the project was to have the garage attached to the house so Ms. O'Sullivan did not have to go outside with the children. Even a single-story garage would require steps out to the house.

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – June 3, 2021**

2. Undesirable change in neighborhood character or detriment to nearby properties.

Mr. Maynard stated he looked at the houses in the neighborhood adjacent to his and they appear to be closer to the road than his. His existing house is short of the required front setback at 74 ft. Counsel Lester pointed out the house directly to the west is 170 ft. back from the road. The house to the east is 100 ft. Mr. Maynard feels that the proposed addition would be an improvement to the house and character of the neighborhood. The house would have more curb appeal instead of a rectangle shape.

3. Whether request is substantial.

Mr. Maynard explained that with the existing house at 74 ft. and only asking for an additional 6 ft., the request is minor.

4. Whether request will have adverse physical or environmental effects.

Mr. Maynard does not believe the proposed addition will cause any adverse physical or environmental effects.

5. Whether alleged difficulty is self-created.

Mr. Maynard stated it is self-created, but the best option was chosen, in their opinion, of the ones the architect presented. Also, part of the problem with pushing the house to the east would make the house look like a long rectangle, not very attractive, which would affect the resale of the property.

Mrs. Pauline Johnson asked what the other options were the architect presented. Mr. Maynard explained one was to extend the roofline out to the east and another one was similar but offset a little bit with the roofline lower.

Mrs. Johnson asked was a variance required for those other options. Mr. Maynard stated no, the addition was flush with the existing house or back farther. Mrs. Johnson asked when the garage addition was flush with the existing house, what did he come up with for the stairs in the back. Mr. Maynard did not have the other options with him, but he believes all the options had the garage offset for the same reasons as already discussed. One of the single-story options presented did have the master bedroom off the west side of the house, but it required a greater setback variance due to it was pushed farther towards the road.

Mrs. Pauline Johnson asked with the addition flush with the house what did the architect come up with for the stairs. Mr. Maynard stated the addition was proposed for the east side of the house and the garage addition was still in violation of the setback. Mr. Maynard believes all options showed the garage requiring a variance. Mrs. Pauline Johnson added that it would most likely be more expensive that way. Mr. Maynard agreed the financial part is a concern especially with the cost of materials now. They thought of selling their home and moving into a bigger home, but the market is not that great for buying homes.

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – June 3, 2021**

Mrs. Pauline Johnson explained while cost is not a reason to grant a variance, the Board can take it into account. Mr. Carges agreed, stating with the last option there would be the cost of two foundations. Mr. Sealy asked if there was anything else with the layout of the existing house that made the two-story addition more favorable. Mr. Maynard stated with all the options, it worked best to have the bedrooms grouped together in one area of the house. Mr. Sealy stated that by adding rooms to the east side of the house, all new plumbing and heating would have to be run to that side of the house.

Mr. Kevin Johnson asked to revisit the concern with the stairs. He asked if by building the garage addition flush with the house, and extending the roof in the back, would not the stairs still work. Mr. Maynard stated it could be done, but we were trying to limit the disturbance to one wall and limit the costs. He added by doing it that way, an additional foundation, or crawl space is needed.

Mr. Sealy explained with the garage extended by 5 ft., pushing it back flush with the existing house would not cover the two flights of stairs each 3 ft. wide. Mrs. Pauline Johnson asked why two flights of stairs is needed. It was explained that the first flight is from the garage up to the first floor and the second flight to the kitchen.

Mr. Maynard explained he could show the other option on his phone of a single-story garage with the bedrooms extending off the other side of the house, which still shows room being left for the stairs. Mr. Maynard feels building another foundation would be less efficient and more costly than the one proposed before the Board.

Chairman Thorpe asked if there were any other questions. There were none. She explained the Board has up to 62 days to decide, but it rarely takes that long. The Clerk will notify you as soon as a decision is made. Mr. Carges stated he is prepared to make a motion tonight.

Moved by Mr. Carges, seconded by Mrs. Pauline Johnson, that the public hearing be closed.

Chairperson Mary Ann Thorpe – Aye
Mr. Robert Carges - Aye
Mr. Kevin M. Johnson – Aye
Mrs. Pauline Johnson – Aye
Mr. Mark Sealy – Aye

Moved by Mrs. Pauline Johnson, seconded by Chairperson Thorpe, that the February 25, 2021, minutes be approved.

Chairperson Mary Ann Thorpe – Aye
Mr. Robert Carges – Aye
Mr. Kevin M. Johnson – Aye
Mrs. Pauline Johnson – Aye
Mr. Mark Sealy – Aye

**TOWN OF SWEDEN
Zoning Board of Appeals
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Mr. Charles Maynard and Ms. Kathleen O’Sullivan thanked the Board for its time and consideration.

Mr. Robert Carges offers the following resolution and moves for its adoption:

Having reviewed the application and Short Environmental Assessment Form of Charles Maynard for an area variance to construct a two-car garage addition with living space above the garage with a front setback of 69 ft. instead of the required 75 ft., located at 5344 Brockport-Spencerport Road, Brockport, New York, will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded By Mr. Mark Sealy and duly put to a vote, which resulted as follows:

Vote: Chairperson Mary Ann Thorpe – Aye
Mr. Robert Carges - Aye
Mr. Kevin M. Johnson – Aye
Mrs. Pauline Johnson – Aye
Mr. Mark Sealy – Aye

Motion carried.

Mrs. Robert Carges offers the following resolution and moves for its adoption:

That the application of Charles Maynard, 5344 Brockport-Spencerport Road, Brockport, New York, for an area variance of six (6) feet to construct a two-car garage addition with living space above the garage with a front setback of 69 ft. instead of the required 75 ft., located at 5344 Brockport-Spencerport Road, Brockport, New York, tax account number 085.01-2-23, *be **approved*** for the following reasons:

1. An undesirable change will not be produced in the character of the neighborhood.
2. The requested area variance of 6 ft. is not substantial.
3. The requested variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood.

Seconded By Mr. Mark Sealy and duly put to a vote, which resulted as follows:

Vote: Chairperson Mary Ann Thorpe – Aye
Mr. Robert Carges - Aye
Mr. Kevin M. Johnson – Nay
Mrs. Pauline Johnson – Nay
Mr. Mark Sealy – Aye

Motion carried. Application for area variance granted.

The meeting was adjourned by motion at 6:45 p.m.

Respectfully submitted,
Phyllis Brudz
Zoning Board of Appeals Clerk