



Department of Planning, Housing, & Community Development

Staff Report for the Zoning Board of Appeals

Mayor, Richard C. David
 Director, Dr. Juliet Berling

PROPERTY ADDRESS & TAX ID	APPLICANT	CASE NUMBER	PUBLIC MEETING DATE
22 Lamont St 161.46-1-25	Stephen Walley	ZBA-2018-08	June 4, 2018

SUMMARY OF REQUEST	LOCATION OF PROPERTY
<p>The applicant is requesting an area variance to allow an 8' high fence where 6' is the maximum height permitted between the rear face of a residence and a front property line. A fence with a height of 8' is only permitted from the rear face of a residence extending towards and along the rear property line.</p> <p>The fence associated with the requested variance runs forty feet along the eastern property line between 22 and 24 Lamont St. The fence is located between the front face of the garage and Lamont Street, where it meets a 50' expanse of chain link fencing. (per the submitted sketch plan)</p> <p>The applicant is seeking a variance from §410-14.A. (see below)</p>	

SOURCE: GOOGLE

ZONING DISTRICT & EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	PARCEL INFO.
R-1 Residential Single-Unit Dwelling District One family residence, 210	R-1 Residential Single-Unit Dwelling District. Single-unit homes throughout the area.	Approx. 1400 sq. ft., single-story, ranch style residence	0.24 Acres 72 ft x 148 ft Rectangular parcel

STAFF COMMENTS/FINDINGS
<ul style="list-style-type: none"> ▪ The applicant's proposal involves "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" (617.5[C]10), <i>which is a SEQR Type II action. No further environmental review is required.</i> <p><u>Undesirable Change:</u></p> <ul style="list-style-type: none"> ▪ The additional fence height should have little or no impact on the area. The only potential effect would be on the neighbors immediately to the east. The public hearing may provide information on whether an undesirable change will occur. <p><u>Reasonable Alternative:</u></p> <ul style="list-style-type: none"> ▪ The applicant could reasonably have installed a fence with a height of six feet. ▪ The applicant could remove the top two feet of the existing fencing. <p><u>Substantial Request:</u></p> <ul style="list-style-type: none"> ▪ The additional two feet of height should have little effect and therefore not be substantial. <p><u>Adverse Impact on Physical/Environmental Conditions:</u></p> <ul style="list-style-type: none"> ▪ The fencing complies with the visibility requirements for the driveway, which mitigates safety concerns. ▪ The action is Type II under SEQR and therefore should have no effect on physical or environmental conditions. <p><u>Self-created Hardship</u></p> <ul style="list-style-type: none"> ▪ The alleged hardship is self-created. The ZBA must weigh this against the other factors in order to discern whether the requested variance can be granted.

AREA VARIANCE CRITERIA

- [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.
- [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.
- [3] Whether the requested area variance is substantial.
- [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

RELEVANT REGULATION

§410-14.A

A fence of masonry, wood or other material which creates a barrier may be located on the property or along any lot line when such fence is not greater than eight feet in height in any residential district and 10 feet in any nonresidential district. **The eight-foot-high fence in residential districts may be installed beginning at the rear face of the residence or the rear face of the adjacent residence, whichever is greater, and extend to and along the rear property line. A six-foot-high fence is permitted from the rear face of the residence to the front property line,** except as noted in Subsection A(6). The rear face of the residence shall not include any decks, porches, or enclosed porches.

RELEVANT/ RECENT ZBA ACTIVITY	ADDITIONAL REVIEW REQUIRED
8 Cary St: in 2011, the ZBA approved a variance for fence height within 12 feet of the front property line.	<ul style="list-style-type: none"> ▪ A fence permit must be issued by the Zoning Officer prior to construction.

ATTACHMENTS	SEQR EAF PT. 2			PHOTOGRAPHS	
RELATED DOCUMENTS	APPLICATION	SEQR EAF PT. 1	SUBMITTED PLAN	239 COMMENT	PUBLIC COMMENT

PHOTOGRAPHS



1 22 Lamont St as viewed from the north side of Lamont St.



2 22 Lamont St and existing fencing. Viewed from the north side of Lamont St.



3 22 Lamont St and existing fencing. Viewed from the northwest



4 Existing 8' fence (subject of variance) on the eastern property line.



5 Close-up of existing 8' fence (subject of variance) on the eastern property line.