

**Present:** David Blakeley, Chairperson  
Jerome Collins  
Narletta Kaul  
Adam Dickman  
Stephen Delzer  
Michael E. Stegmeier, ZBA Secretary  
Scott Pease, Building Inspector

Irina Daly  
14 Church Street  
Lancaster, NY  
RE: 14 Church Street

**Absent:** Jeff Stribing, Community Development Director

**Documents:** Petition 9/14/12  
Notice published in Lancaster Bee  
Survey  
Correspondence from Property Owner  
Photos Submitted by Property Owner

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Meeting was called to order at 7:15 p.m. by Chairman Blakeley in the Council Chambers of the Lancaster Municipal Building, 5423 Broadway, Lancaster, New York.

The following excerpt is the public notice as published in the Lancaster Bee:

*Please take notice that the Zoning Board of Appeals of the Village of Lancaster, New York will hold a public hearing in the Council Chambers of the Municipal Building at 5423 Broadway, Lancaster, New York, on Thursday, October 11, 2012, at 7:15 p.m.*

*The purpose of this hearing is to consider the request from Irina Daly, petitioner and property owner of 14 Church Street, Lancaster, NY 14086. The petitioner is seeking relief from the following Village Code with respect to a six foot high fence.*

**Section 76-4 Fences – Height limitations**

*No fence shall be more than six feet in height at the rear of homes or buildings situated in a residentially zoned district, which fence shall not extend forward of the rear building line of any existing or proposed building. No other fence or portions of a fence shall be higher than 36 inches (3 feet) in any front yard or 48 inches (4 feet) in any side yard.*

*Petitioner is seeking relief from the Village Code to allow a planned six foot (6') high fence to remain in a side yard for safety and privacy reasons. The six foot high fence exceeds the four foot maximum height allowed by Village Code for a length of twenty-four feet (24').*

*At said hearing, all persons so desiring shall have the opportunity to be heard.*

*Michael E. Stegmeier  
Village Clerk*

Chairman Blakeley informed those present that the Zoning Board of Appeals was established by the Village of Lancaster and shall hear and decide appeals and requests for variances from the requirements of the zoning laws. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

**Irina Daly – Petitioner & Property Owner:** She is requesting the variance for privacy reasons. She has been dealing with harassment from a neighbor at 18 Church Street including trespassing, verbal abuse of guests, and debris being thrown onto the property. There are also safety reasons such as ice falling from the neighbor's house near the driveway. The view into the neighbor's yard shows unkempt areas and a deteriorating house. Other neighbors in the area do not have a problem with the fence. The need for a fence is a quality of life issue for both her family and her guests.

**Jerome Collins:** He commented on the good condition which Ms. Daly kept her house.

**Kevin Quinn (husband):** He indicated that the fence makes a difference for health issues due to the existence of mold on the outside of the neighboring property.

Ms. Daly commented that there have been many code violations issued at the neighboring property over the past few years. The privacy fence was the last resort to deal with the concerns regarding her neighbor.

It was noted that the fence was already approved by the Historic Preservation Commission relating to the type and style of fence.

**Stephen Delzer:** He commented on safety issues for fire access. There is adequate distance to allow access for emergency personnel.

**Audience Participation:**

**-none-**

**MOTIONS:**

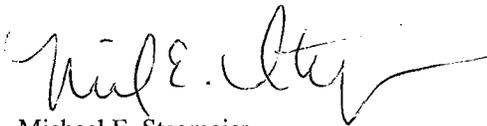
Motion made by **Jerome Collins** and seconded by **Adam Dickman** to adjourn the meeting at 7:32 p.m.

**Ayes:** D. Blakeley, J. Collins, N. Kaull, A. Dickman, and S. Delzer  
**Nays:** -none-  
**Motion Carried (5-0)**

Motion made by **Adam Dickman** and seconded by **Narletta Kaull** to approve the request for variance as presented with the condition that the fence meets the guidelines of the Historic District as approved by the Historic Preservation Commission.

**Ayes:** D. Blakeley, J. Collins, N. Kaull, A. Dickman, and S. Delzer  
**Nays:** -none-  
**Motion Carried (5-0)**

Respectfully submitted,



Michael E. Stegmeier  
Village Clerk & Treasurer  
Secretary to Zoning Board of Appeals

c: Village Board of Trustees  
Zoning Board of Appeals  
Arthur A. Herdzyk, Village Attorney  
Jeff Simme, Building Inspector  
Jeff Stribing, Community Development Director  
Irina Daly, Property Owner & Petitioner