

Present: David Blakeley, Chairperson
Narletta Kaul
Stephen Delzer
James F. Volpe
Michael E. Stegmeier, ZBA Secretary

James and Ashley Gummo
70 Doris Avenue
Lancaster, NY
RE: 70 Doris Avenue

Absent: Jerome Collins, ZBA Member
Jeff Simme, Building Inspector
Jeff Stribing, Community Development Director

Documents: Petition 5/7/2013
Notice published in Lancaster Bee
Correspondence from Property Owners
Survey

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, June 6, 2013, at 7:15 p.m.

The purpose of this hearing is to consider the request from James and Ashley Gummo, petitioners and property owners of 70 Doris Avenue, Lancaster, NY 14086. The petitioners are seeking relief from the following Village Codes with respect to the installation of a privacy fence in a front yard on a corner lot.

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.

Section 76-6 Fences – Obstructions affecting public safety

Any fence, wall or similar structure, as well as shrubbery, which unduly cuts off light or air, which may cause a nuisance, a fire hazard or a dangerous condition or an obstruction to combating fires or an obstruction to men and equipment for combating fires, which may affect public safety, is hereby expressly prohibited. Further, no fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is uniformly less than 50% solid.

Petitioners are seeking relief from the Village Code to allow the installation of a six foot (6') high solid privacy fence in a required front yard on a corner lot for safety and security reasons. A corner lot is considered to have a front yard along each street. The six foot high fence exceeds the three foot maximum height allowed by Village Code for a length of ninety-nine feet (99'). The proposed fence is also more than 50% solid which is the maximum allowed by Village Code in a front yard.

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.

James and Ashley Gummo – Petitioners & Property Owners: They are requesting the variance for safety and security reasons. They have children at home and they want to keep other individuals in the area from entering their property. It is a very open space in the yard due to the prior removal of trees and the proposed fence will give them some privacy.

Stephen Delzer: He questioned the style of fence that is being considered. The owners indicated that they were not sure of the style except that it would be a wood fence with a clear stain. They are trying to match other neighboring properties for consistency purposes.

Mr. Delzer clarified that the fence would maintain a distance of four feet (4') from the sidewalk.

James Volpe: He noted that there is a gate to allow access between houses with the neighbor. He doesn't see an issue with access for emergency purposes.

Mr. Delzer questioned the response from neighbors with the proposed fence. The owners stated that they have spoken with some of the neighbors and they have not heard any objections.

Mr. Delzer visited the property and noticed that there was a good sight distance and a clear path down the street based on the proposed location of the fence. He stated that safety concerns would be negligible.

David Blakeley: He commented on the location of a gate for the fence. The owners noted that the gate would be situated between the neighbor's property and it is located on the portion of the fence that was not included in the variance request.

Audience Participation:

-none-

MOTIONS:

Motion made by **Narletta Kaull** and seconded by **James Volpe** to adjourn the meeting at 7:27 p.m.

Ayes: D. Blakeley, N. Kaull, S. Delzer, and J. Volpe

Nays: -none-

Motion Carried (4-0)

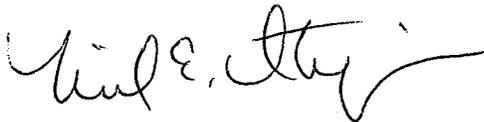
Motion made by **Narletta Kaull** and seconded by **James Volpe** to approve the request for variance as presented.

Ayes: D. Blakeley, N. Kaull, S. Delzer, and J. Volpe

Nays: -none-

Motion Carried (4-0)

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
James & Ashley Gummo, Property Owners & Petitioners