

**VILLAGE OF FLORIDA
ZONING BOARD OF APPEALS MEETING
JULY 10, 2023**

CALL TO ORDER:

Chairman Dellatto called the meeting to order at 7:33 P.M. with a Pledge of Allegiance.

BOARD MEMBER'S PRESENT:

Chairman Martin Dellatto
Member Steven Caldwell
Member Zenon Wojcik
Member JR Pillmeier
Member Frank Dagele

PROFESSIONAL'S PRESENT:

Penny Schlagel, Secretary
Robert Krahulik, Esq.

PUBLIC HEARING:

**LEGAL NOTICE
PUBLIC HEARING
12 KAYE DR.**

A Public Hearing before the Zoning Board of Appeals of the Village of Florida will be held on the 10th day of July, 2023 commencing at 7:30 P.M. at Village Hall, 33 South Main St, Florida, NY to consider the following application:

Robert Hicks for the property located at 12 Kaye Dr. Village of Florida, NY and designated on the Village of Florida tax map as Section 115, Block 5, Lot 9 in the RR, Rural Residence District for a variance from §119-9(b) of the Zoning Code allowing installation of an 18 x 36 in ground pool as an accessory use to a single

family house with side yard setback of 10.0' where 20' are required and a rear yard setback of 10.0' where 20' are required.

The above application is open to inspection at the office of the Board of Appeals, 33 South Main Street, Florida, NY. Persons wishing to appear at such hearing may do so in person or by attorney or other representative. Communications in writing in relation thereto may be filed with the Board, or at such hearing.

Martin Dellatto, Chairman ZBA

Robert Krahulik Esq. stated to the board that this is a Tye 2 action and no further action under SEQRA would be required.

Robert Hicks approached the board and explained how he is seeking a variance due to the fact that the plumbing and everything runs on this side of his yard, so it would be cost effective to put the pool in this location. Mr. Hicks further stated that his yard is already fenced in, and he will also be additional fencing around the pool. Also, it was the most level spot in his yard to put the pool.

Member Dagele asked if the pool house is included in this variance as it looks like it does, but you do not need a variance.

Discussion ensued and it was concluded that the pool house would just need a building permit since it meets all the setback requirements, and that the pool house was just shown on the sketch as to what the project would look like.

Robert Krahulik, Esq. also stated that beyond this property, Mr. Hicks cannot acquire any more land as this land is considered open space, which cannot be acquired.

Since no one else from the public entered any discussion, Chairman Dellatto closed this portion of the meeting.

**DETERMINATION OF THE ZONING BOARD OF APPEALS
OF THE VILLAGE OF FLORIDA, NEW YORK
12 KAYE DR.**

WHEREAS, Robert Hicks has applied to the Board for a variance of the Build Area Requirements of the Code, and

WHEREAS, a public hearing on this application was held at Village Hall, 33 South Main St., Florida, NY on July 10,2023 and

WHEREAS, at said hearing all interested persons were given and opportunity to be heard, the Board finds as follows:

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. Applicant is now the owner of the property located at 12 Kaye Dr., Florida, NY and designated on the village tax map as Section 115 Block 5 Lot 9.
2. The application has been made for a variance from §119-9(b) of the Zoning Code allowing installation of an 18'x36' in ground pool as an accessory use to a single-family house with side yard setback of 10.0' where 20' are required and a rear yard setback of 10.0' where 20' are required.
3. The evidence and testimony as summarized from the meeting show that:
 - a. An undesirable change will not be produced in the character of the neighborhood and a detriment to the adjacent properties.
 - b. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than variances. There is no other property available.
 - c. The requested variances are numerically substantial.
 - d. It has been shown that construction of the pool would not have an adverse effect or impact upon the physical or environmental conditions in the neighborhood or district.
 - e. The alleged difficulty was self-created. The lot was purchased subject to existing zoning.
 - f. The minimum variances are sought, are necessary and adequate and at the same time, will preserve and protect the character of the neighborhood and the health, safety and welfare of the community have not been requested.
4. The proposed action is a Type II action and no further consideration under SEQRA is necessary.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that it is determined that the application be approved for a variance from §119-9(b) of the Zoning Code allowing

installation of an 18' x 36' in ground pool as an accessory use to a single-family house with side yard setback of 10.0' where 20' are required and a rear yard setback of 10' where 20' are required.

Motion moved by Member Dagele and seconded by Member Pillmeier.

On roll call, all voted yes, and Chairman Dellatto declared this Resolution adopted.

NEW/UNFINISHED BUSINESS: None

PUBLIC DISCUSSION:

Since no one else from the public entered any discussion, Chairman Dellatto closed this portion of the meeting.

ADJOURNMENT:

Member Pillmeier moved for the adjournment of this meeting, seconded by Member Dagele.

On roll call, all voted yes and Chairman Dellatto declared this meeting adjourned at 8:52 P.M.

Penny Schlagel, Secretary