

TOWN OF CHILI

3333 Chili Avenue, Rochester, NY 14624

Tel: 889-889-6143 Fax: 889-8710

www.townofchili.org

APPEAL TO THE ZONING BOARD FOR AN AREA VARIANCE

SECTION I: APPLICANT INFORMATION – PLEASE ANSWER THE FOLLOWING:

	<u>APPLICANT(S)*</u>	<u>OWNER(S) (If not applicant)</u>	<u>ATTORNEY/AGENT</u>
Name:	CHARLES PALELLA		
Address:	34 FENTON RD		
	ROCHESTER, NY, 14624		
Tel/Fax:			
E-Mail:			

*** The application must be signed by the Property Owner(s).** Attorneys/consultants/agents may not sign on behalf of the Property Owner.

SECTION II: PROPERTY INFORMATION – PLEASE ANSWER THE FOLLOWING:

- Property Address (No. & St.): 34 FENTON RD
- Tax Parcel No.: 133.15-03-24 3. Current Zoning District: R-1-20
- Has a previous ZBA application/appeal been filed for this property? Yes? No?
If Yes, then: When: _____ For What: _____
- Is property located within (check all that apply)?: Flood Plain Wetlands
- Is there a written violation notice or “stop work order” for this Property Yes No
 If “Yes”, then attach a copy of the violation notice(s) and stop work order(s).
- Has the work, use, or occupancy to which this appeal relates already begun? Yes No
- Brief description of the project: (include current and proposed use):
CURRENTLY THERE IS NO FRONT PORCH ON THE FRONT OF HOUSE. IN ORDER TO BETTER ADDRESS THE
SEQUENCE OF ENTERING THE HOME AND TO ALLOW ADDITIONAL USE OF THE PROPERTY, THE OWNER
WOULD LIKE A COVERED SPACE THAT ENHANCES THE HOME WHILE ALSO LOOKS APPEALING FROM THE ROAD.
THE PROPOSED STRUCTURE WILL MATCH THE CHARACTER OF THE EXISTING HOUSE IN MATERIALS AND STYLE.

ZONING BOARD OF APPEALS APPLICATION FORM

8. Are there special circumstances such as lot size, slope, or other physical conditions of the property which make compliance with the zoning regulations challenging? If so, please explain:
IN ORDER TO DO A PORCH THAT IS AT A USUABLE SIZE WE NEED TO ENCROACH ON THE FRONT
PROPERTY LINE SETBACK REQUIREMENT. GRANTED, THE FRONT OF THE EXISTING HOUSE IS 50.8 FEET FROM THE
PROPERTY LINE ALREADY. SO WE WOULD ASK THE BOARD TO APPROVE A VARIANCE TO ALLOW THE CONSTRUCTION
OF THE PORCH TO TAKE PLACE WITHIN A 7 FOOT AREA VARIANCE.

SECTION III: AREA VARIANCE – PLEASE ANSWER THE FOLLOWING:

The applicant requests relief from the following sections and requirements of the Zoning Law:

Section of Code*	Concerning*	Change From*	Change To*
500-	FRONT YARD SETBACK	60 FEET	43 FEET
500-			
500-			
500-			
500-			
500-			

*See example below:

500-13(D)(1)	Rear Yard Setback	60 feet	58 feet
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Criteria For Area Variance

To grant an area variance, the ZBA must balance the benefits to the applicant against the potential harm to the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. **Can the benefit sought by the applicant be achieved by other feasible means?** Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

THE PRE EXISTING NON CONFORMING SET BACK OF THE HOME IS 50.8 FEET SO THE ONLY ALTERNATIVE THAT WOULD
NOT REQUIRE A VARIANCE IS TO NOT DO THE WORK OR SOMEHOW DO A COVERED ENTRY NEAR THE GARAGE HOWEVER
THAT OPTION WOULD NOT ALLOW THE DESIRED USE OF SITTING UNDER THE STRUCTURE.

ZONING BOARD OF APPEALS APPLICATION FORM

2. Will granting the variance produce an undesirable change in the character of the neighborhood or a detriment to nearby properties? Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

WE DO NOT BELIEVE SO DUE TO THE OVERALL CHARECTER OF THE NEIGHBORHOOD WITH REGARD TO OTHER COVERED PORCHES AND DIFFERENT CONFIGURATIONS.

3. Is the requested variance substantial? The requested variance is not substantial for the following reasons:

THE REQUEST IS FOR WHAT WE BEILEVE TO BE THE MINIMUM SIZE IN DEPTH OF A STRUCTURE THAT WOULD PERFORM AS A COVERED PORCH.

4. Will the variance have any adverse physical or environmental effects on neighborhood or district?

The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

WE ARE CONSTRUCTING THE PROJECT IN COHESIVE MATERIALS AND STYLE TO ENHANCE THE EXISITING HOME AND THE CHARECTER OF THE NEIGHBORHOOD.

5. Was the alleged difficulty self-created? (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

DUE TO THE PRE EXISTING NON CONFORMING FRONT SET BACK, WE BELIEVE THIS WAS NOT SELF-CREATED

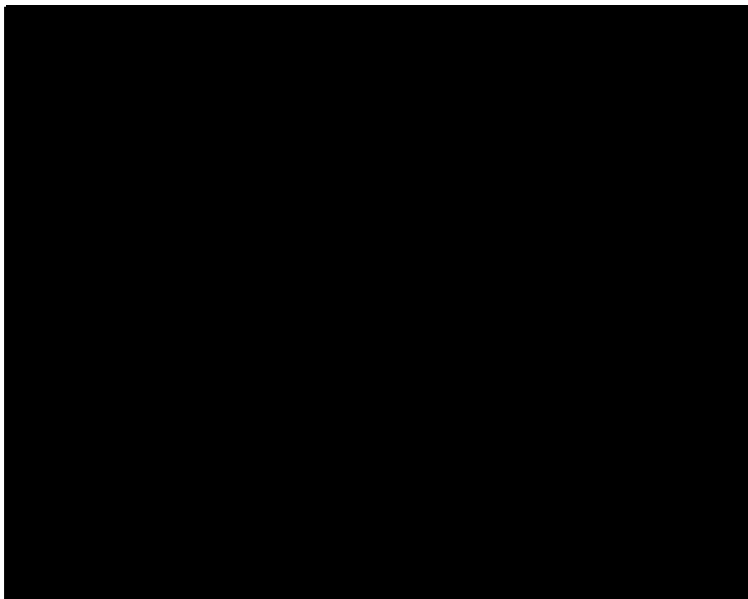
WE DO UNDERSTAND THAT OUR INTEREST IN HAVING A COVERED FRONT PORCH IS SELF CREATED.

DISCLOSURE

Does any Town officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? Yes No If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

APPLICANT & PROPERTY OWNERS' CERTIFICATIONS:

1. **Application to the Zoning Board:** I/we, the property owners of the land in question and the applicants hereby request an appearance before the Zoning Board of Appeals.
2. **Authorization to Enter Property:** I/we, the undersigned Property Owners, hereby authorize the members of the Zoning Board of Appeals and designated Town staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this application.
3. **Property Owner's Authorization of Applicant and Liability:** I/we certify that I/we, the undersigned Property Owners, am/are all of the Owners of the Property which is the subject of this application, that I/we have authorized the applicant to make this application and that **I/we agree to be bound by the application, the representations made by the applicant, and the decision of the Town.**
4. **Truth Required By Law:** I/we understand that false statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law of the State of New York



X Charles M. Paletta, Jr.
Property Owner

X Charles M. Paletta, Jr.
Property Owner

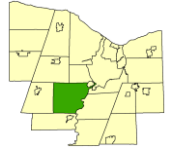
X _____
Applicant

X _____
Applicant



TOWN OF CHILI

STATE OF NEW YORK * COUNTY OF MONROE
ESTABLISHED IN 1822



David J Dunning
Supervisor

Virginia L. Ignatowski
Town Clerk

BUILDING DEPARTMENT

Mark L. DeCory
Michael S. Slattery
Mary C. Sperr
James V. Valerio
Town Council Members

DENIAL OF APPLICATION FOR LAND USE AND/OR BUILDING PERMIT

APPLICANT: Charles Palella

PROPERTY ADDRESS: 34 Fenton Rd. Rochester, NY 14624

TAX PARCEL NO.: 133.15-3-24

ZONING DISTRICT: R-1-20

This applicant has applied to use the identified property within the Town of Chili for the following:
Applicant proposes to erect an open porch (23'-0" wide x 7'-0" deep) at the front of the existing single-family dwelling.

This application is hereby denied upon the grounds that such use of the property would violate the Town Zoning Law article(s); III.

As such, the following relief would be required to proceed:

- Appeal of My Interpretation Use Variance to permit the following:
 Area Variance seeking the following relief:

Section of Code*	Concerning*	Change From*	Change To*
500-13(D)(1)	Front setback	60'-0" required	43'-0" proposed
500-			

January 9, 2025
Date

Gerald Alaimo Jr.
Code Enforcement Officer

INSTRUMENT LOCATION MAP

Showing Lot No. 21 of

CHILI MEADOWS ADDITIONS

Being a Subdivision by Joseph Entress in Lot 1 of the 3000 Acre Tract
(Liber 90 of Maps, Page 16)

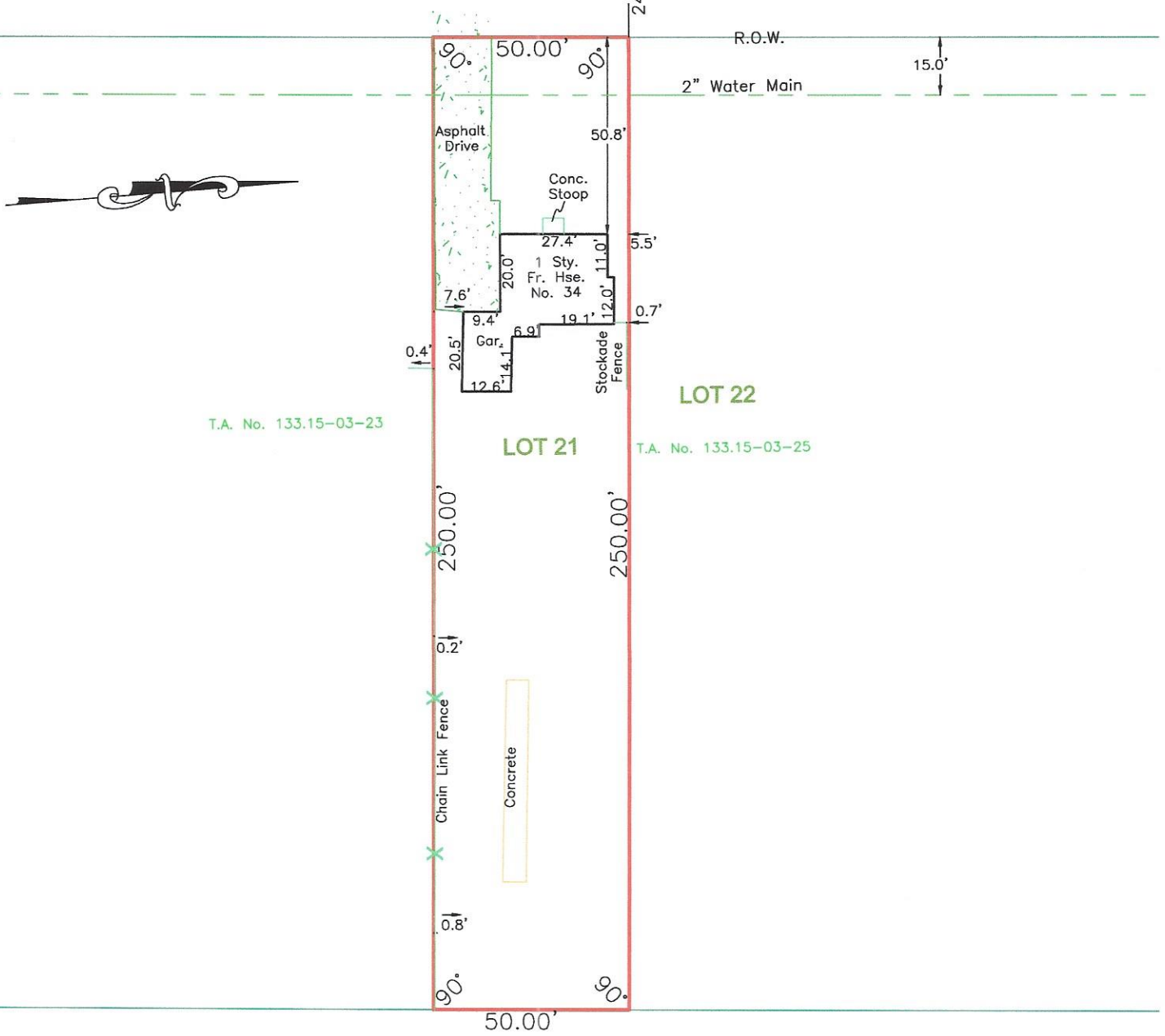
~situate in:~

Town of Chili, County of Monroe, State of New York

FENTON ROAD
(49.5')

656.39' to
Centerline
Westside Drive

Centerline



REFERENCES:

34 Fenton Road
Tax Account No. 133.15-03-24
Liber 8372 of Deeds, Page 116



Unauthorized alteration or addition to a survey map bearing a licensed Land Surveyor's seal is a violation of Section 7209, Subdivision 2, of the New York State Education Law.

Only copies from the original of this survey marked with an original of the Land Surveyor's embossed seal shall be considered to be valid true copies.

Certifications indicated hereon signify that this survey was prepared in accordance with the existing code of practice for land surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on behalf to the title company, governmental agency, and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.

The certifications hereon are not transferable.

The locations of underground improvements or encroachments are not always known and often must be estimated. If any underground improvements or encroachments exist or are shown, the improvements or encroachments are not covered by this certificate.

CERTIFIED TO:

Charles M. Palella Jr.



Peter Offermann
Land Surveying

Peter F. Offermann, P.L.S.
4 Nyby Road, Rochester, New York 14624
Phone (585) 235-4342 Cell (585) 831-9242.
Email surveyortemp@yahoo.com

Job No.:

Date:

November 5, 2024

File No.:

Scale:

1" = 40'

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TOWN OF CHILI

BUILDING DEPARTMENT
3333 CHILI AVENUE, ROCHESTER, NY 14624
PH: (585) 889-6143 FAX: (585) 889-8710



BUILDING PERMIT APPLICATION

Location of Work

Address _____
City, State, Zip _____

For Official Use

Zoning Classification _____ FPO FW
Tax I.D. # _____

Property Owner Information

Name _____
Address _____
City, State, Zip _____
Phone _____
Email _____

PERMIT TYPE Residential Commercial

CHECK ALL THAT APPLY BELOW:

- | | |
|--|--|
| <input type="checkbox"/> Shed | <input type="checkbox"/> Plumbing |
| <input type="checkbox"/> Deck | <input type="checkbox"/> New Building (Comm./ Indus.) |
| <input type="checkbox"/> Garage | <input type="checkbox"/> Apartment/ Townhouse Building |
| <input type="checkbox"/> Fireplace | <input type="checkbox"/> Addition |
| <input type="checkbox"/> Gas Insert | <input type="checkbox"/> Garage Addition |
| <input type="checkbox"/> Generator | <input type="checkbox"/> Dormer Addition |
| <input type="checkbox"/> Interior Remodel | <input type="checkbox"/> Demolition _____ |
| <input type="checkbox"/> Exterior Remodel | <input type="checkbox"/> Egress Window |
| <input type="checkbox"/> Enclosed Porch | <input type="checkbox"/> Open Porch |
| <input type="checkbox"/> Gazebo | <input type="checkbox"/> Pergola |
| <input type="checkbox"/> Solar Panels | <input type="checkbox"/> Single Family Dwelling |
| <input type="checkbox"/> Cell Tower | <input type="checkbox"/> Ramp |
| <input type="checkbox"/> Pre-Existing Structure/Work (no permit on record) | |
| <input type="checkbox"/> Other: _____ | |

BUILDING PERMITS ARE VALID FOR 18 MONTHS

New York State Requires that the Town has on file a current certificate of insurance for both general liability and worker's compensation for the entity performing work prior to issuance of any building/plumbing permit

Contractor Information

Company Name _____
Contact Name _____
Address _____
City, State, Zip _____
Phone _____
Email _____

Description of work

Estimated cost/value of project \$ _____

Plumber Information

Company Name _____
Contact Name _____
Address _____
City, State, Zip _____
Phone _____
Email _____

Plumber must be licensed in the Town of Chili

The following must be submitted for a completed application to be reviewed (additional information may be required)

- 2 sets of plans (The code official may require they be stamped by a licensed professional)
- A survey map which shows the property in detail, location of all buildings and structures, where the proposed structure will be located on the property in relation to other structures and the distances to lot lines.
- If trusses are being used, a completed truss identification form.

Owner/Reps. Signature M. Wolfe Date _____

Inspections: Inspections are required during the building process. ***24 HOUR NOTICE IS REQUIRED WHEN SCHEDULING INSPECTIONS***
When checked, the following inspections will be required for this project:

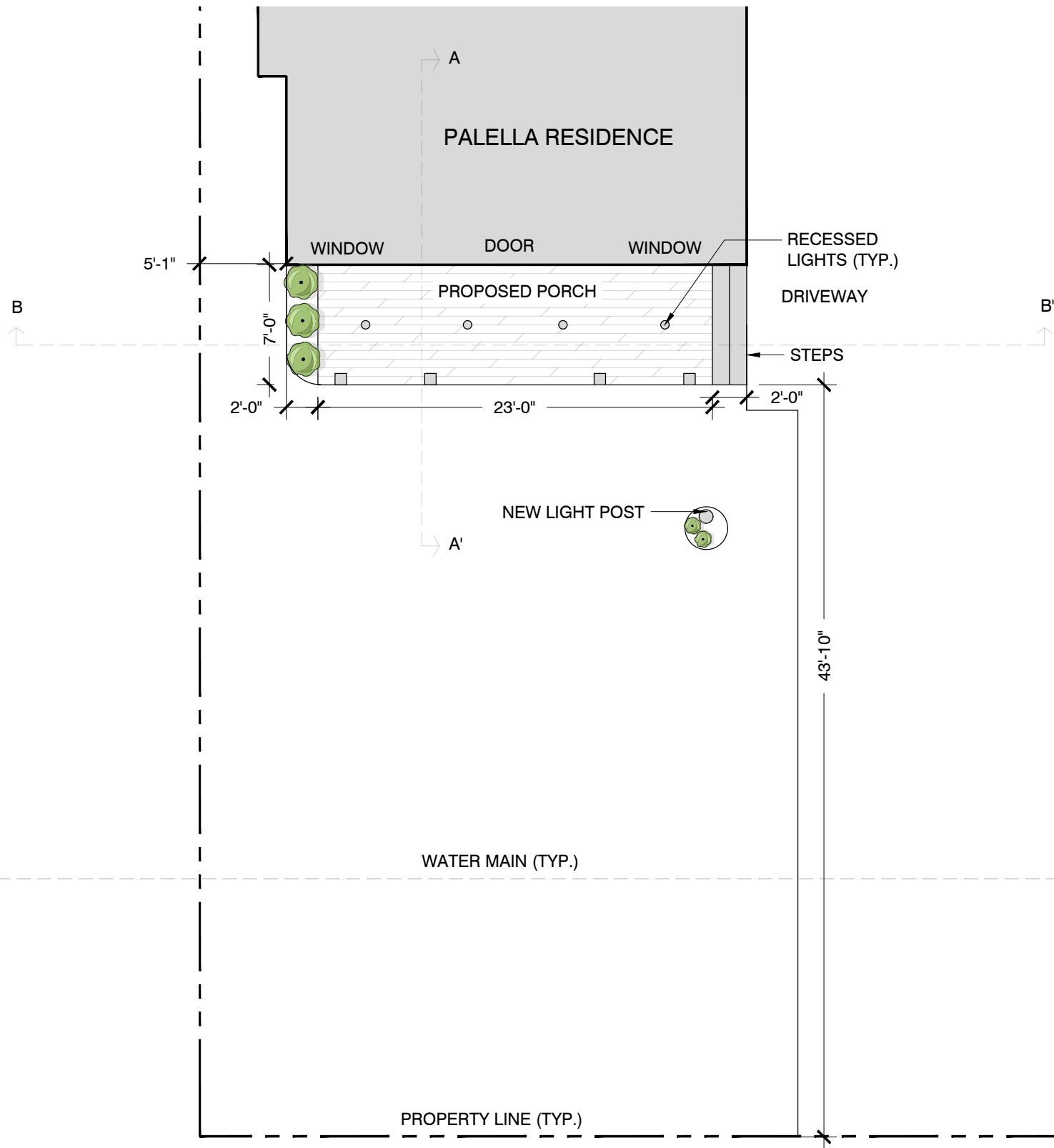
- Site Inspection Footing Storm Sewer (before backfill) Wall (backfill) Underground Plumbing (before covering) Rough Framing
 Rough Plumbing Roof (after ice shield is installed) Fireplace/Stove (before clearances are blocked) Insulation
 FINAL INSPECTION IS REQUIRED FOR ALL PROJECTS IN ORDER TO CLOSE OUT BUILDING PERMIT AND ISSUE A CERTIFICATE OF OCCUPANCY/COMPLIANCE

Electrical Inspections: Any changes/ additions in the electrical service require an inspection for both rough and final electrical work prior to a final building inspection. Electrical inspections are scheduled by contacting any of the two agencies listed below:

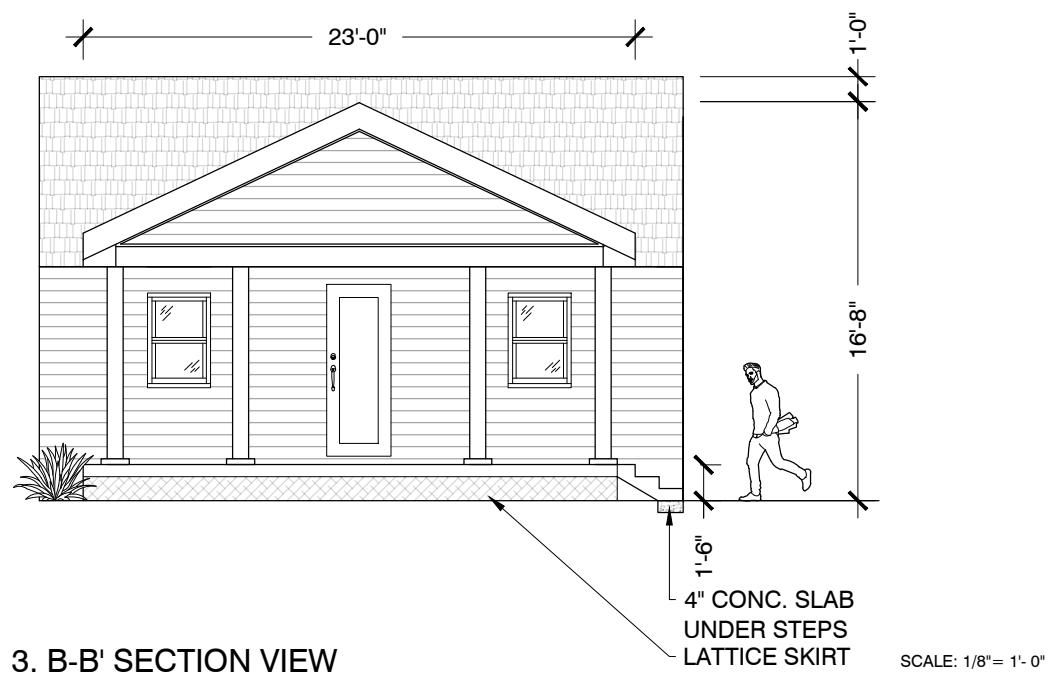
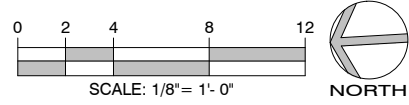
Middle Dept. Insp. Agency
460 State street
Rochester, NY 14608
(585) 454-5191

New York Elec. Insp. Agency
2767 Dewey Avenue
Rochester, NY 14616
(585) 436-4460

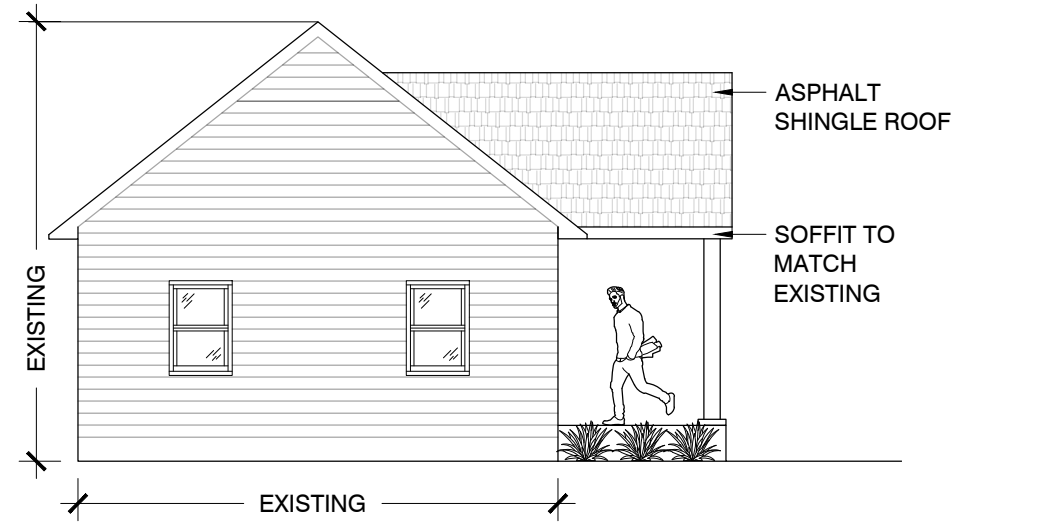
PERMIT FEE IS NON-REFUNDABLE



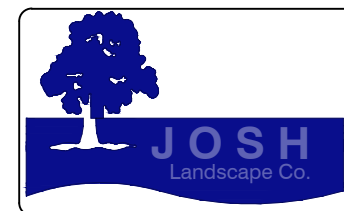
1. LAYOUT PLAN



3. B-B' SECTION VIEW



2. A-A' SECTION VIEW



JOSH LANDSCAPE CO.
 106 WEST MAIN STREET HONEOYE
 FALLS, NY 14472
 OFFICE: 585.582.1212
 WWW.JOSHLANDSCAPE.COM

DISCLAIMER:
 IF THESE PLANS ARE REFERENCED IN ANYWAY
 IT IS THE RESPONSIBILITY OF CONTRACTOR,
 HOMEOWNER, ACTING AGENT TO OBTAIN ALL
 NECESSARY PERMITS, APPROVALS,
 SPECIFICATIONS.

REVISIONS

DATE:	DESCRIPTION:

ADDRESS:
 34 FENTON ROAD
 ROCHESTER, NY

CLIENT:
 PALELLA
 RESIDENCE

SCALE: 1/8" = 1'-0"
ISSUE DATE: 12/10/2024
DRAWN BY: CBL
CHECKED BY: MV

SHEET NAME:
 LAYOUT PLAN

SHEET NUMBER:
 L1.1

BUILD SET