



**TOWN OF HENRIETTA
APPLICATION TO THE ZONING BOARD OF APPEALS
FOR AN AREA VARIANCE**

Appeal No ZBA-2024-024

Date 3-27-2024

I(we) Dalbert Chambers of 5465 E. River Rd.
Name of Applicant / Business Business (Number & Street)

West Henrietta, NY 14586 hereby appeal to the Zoning Board of Appeals from the decision
Town, State, Zip

of the Building Inspector, whereby the Building Inspector did deny grant a permit relating to the below property.

<u>5465 E. River Rd. West Henrietta, NY 14586</u>			
<small>No. & Street</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>
<u>188.03-1-12</u>	<u>West Henrietta</u>	<u>NY</u>	<u>14586</u>
<small>Tax Map No.</small>	<small>Zoning District</small>		
	<u>R-1-15</u>		

PROVISION(S) OF THE ZONING ORDINANCE APPEALED, (Indicate the article, section and paragraph of the Zoning Ordinance being appealed) 61-3B
Number Only (Do not quote the ordinance)

Description of Proposal: We would like to have 12 chickens on our land. To hold the larger amount of chickens, we also like to replace an exististing coop with the following measurements. 3'x10' storage area, 5'x10' roost, and a 10'x16' enclosed fenced run.

12 CHICKENS WHEREAS 6 ARE PERMITTED

Applicant should answer all statements regarding this application on page 2. Incomplete applications shall not be acted upon.

Received by: CCM Agent / Application: Dalbert Chambers

Reviewed by: CCM HDW Address: 5465 E. River Rd.

Date of Meeting: 5-1-2024 West Henrietta, NY 14586

Phone #: [REDACTED]

Email: [REDACTED]

Signature: Dalbert Chambers

NOTE: If signature is other than owner, written authorization from owner must accompany application

APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT THE MEETING
PLEASE PRINT ALL INFORMATION

- 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.

There will be no undesirable change to the neighborhood or nearby property.

- 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.

Without the variance we will not be able to achieve the desired outcome.

- 3) Whether the requested area variance is substantial.

The requested variance is not substantial. We would like to hold more chickens and the new coop would go in the same area as the existing.

- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

There variance will not cause any adverse effects to the the environment. The new coop would go in the same area as the existing coop.

- 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.

We are new owners of this house and were unaware of any issues with needing a variance until we put in the permit for the new coop/chickens. We were called less than a week after putting in the permit request and were told of the issues that warranted us having to file this. Included with the house were the 7 chickens and the existing coop that was roughly 250 sq feet. We never knew that due to our zone, the current coop and the amount of chickens were both outside of what was approved for our zone.

**Statement of Applicant and Owner with Respect to Reimbursement
of Professional and Consulting Fees**

In conjunction with an application made to the Town of Henrietta, the undersigned states, represents and warrants the following:

- 1) I/We am/are the applicant and owner with respect to an application to the Town of Henrietta.
- 2) I/We have been advised of, are aware of and agree to comply with the obligation to reimburse the Town of Henrietta for any and all professional and consulting fees incurred by the Town in conjunction with this and any other applications by me/us, including but not limited to engineering and/or legal fees, all as more fully set forth in the Henrietta Town Code.
- 3) I/We have been provided with, or have otherwise reviewed the Henrietta Town Code provisions related to the obligation to reimburse the Town with respect to professional and consulting fees, and agree to comply with the same.
- 4) I/We understand that this obligation shall not be dependent upon the approval or success of the application.
- 5) I/We further agree that in the event the Town of Henrietta is required to refer for collection an outstanding debt for such professional and/or consulting fees due to the Town of Henrietta, I/we shall be obligated to pay the reasonable attorney's fees incurred as a result of the Town's efforts to collect such fees. Reasonable attorney's fees shall also include any and all disbursements that may result from the commencement of litigation.
- 6) Each party to the application, including the applicant and the owner, shall be jointly and severally liable for all consulting and professional fees and expenses incurred in conjunction with the application.

Applicant: Dalbert Chambers

By: _____

Title: Owner

Dated: 3/22/24

Signed: *Dalbert Chambers*

Owner: Dalbert Chambers

By: _____

Title: Owner

Dated: 3/22/24

Signed: *Dalbert Chambers*

APPLICATION FOR ZONING BOARD OF APPEALS

Legal Notice to Read

Application of

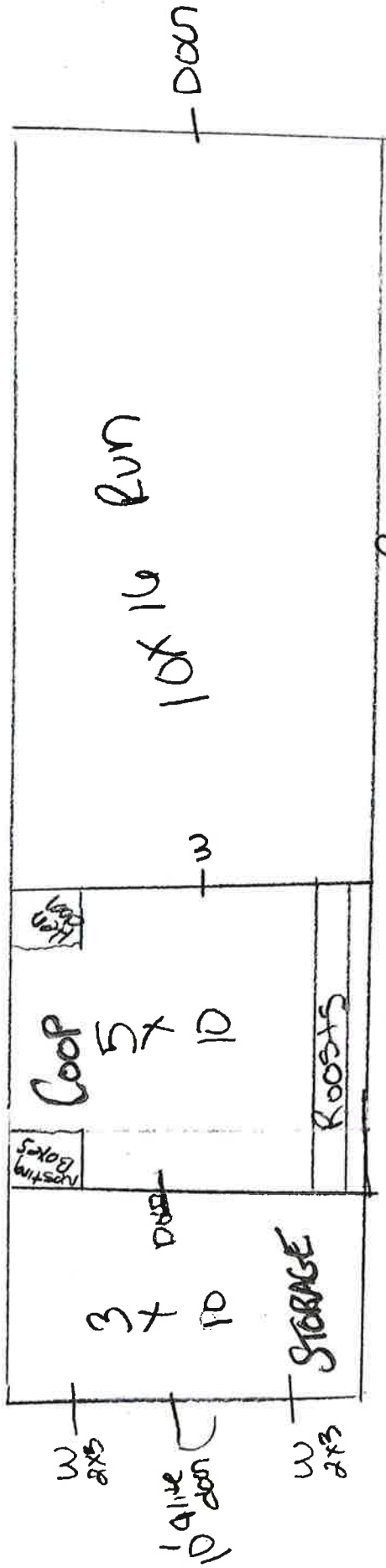
requesting a variance for a

whereas

is allowed by code on property located at

Application Information	
Meeting Date	<input type="text" value="May 1st, 2024"/>
Received By	<input type="text" value="CCM"/>
Date Received	<input type="text" value="March 27th, 2024"/>
Fee Amoun Paid	<input type="text" value="\$75.00"/>
Check #	<input type="text" value="1001"/>

24



10 X 24 Chicken Coop + Run

Built on 4x4 Pressure treated Runners
 12" on center Floor Joists - 2x4 pressure treated Runners
 COOP - LP Pressure treated Flooring

9 lite door

3 2x3 windows with Screens

6 Nesting Boxes

2 Perches-Roast

Hen door-Ramp

5 Hardware Cloth in Coop + Run

LP Smart Siding

Metal Roof


 Lisa Terhune
 Owner
 P.O. Box 338 Andover, NY 14806
 CLCustomDesigns@gmail.com
 607-321-8971



TOWN OF HENRIETTA

County of Monroe • State of New York
475 Calkins Road, P.O. Box 999, Henrietta, N.Y. 14467
(585) 334-7700 • www.henrietta.org

JACK W. MOORE
Supervisor

PETER C. MINOTTI
Deputy Town Supervisor

WILLIAM J. MULLIGAN, JR.
JANET B. ZINCK
M. RICK PAGE
KENNETH BREESE
Council Members

July 1, 2015

Rob and Kellie Buchanan
5465 East River Road
West Henrietta, NY 14586

Re: Application 2015-034 by Rob & Kellie Buchanan requesting a variance for 12 chickens and 250 S.F. of coop and fence, whereas 6 chickens and 108 S.F. of coop and fence is allowed under Henrietta Town Codes 295-52.3C2(a) & 295-41.1(A). Property is located at 5465 East River Road, West Henrietta, NY. Property is zoned R-1-15.

Dear Rob and Kellie:

On June 24, 2015 the Henrietta Zoning Board of Appeals made a motion to grant your variance request for twelve (12) chickens and two hundred and fifty square feet (250 s.f.) of coop and fence, subject to the following condition:

- Chicken waste should be disposed of per the Missouri University method (Deep Litter Method) as discussed in the permit brochure; chicken waste should not be disposed of via the compost method.

Enclosed please find a copy of the Area Variance Determination Resolution. Please obtain any permits from the Town of Henrietta Building Department. This approval becomes null and void if the applicant does not apply for the required permits within one year from the date this decision becomes final.

Sincerely,

Douglas J. Levey (HVR)
Douglas J. Levey, Chairman
Zoning Board of Appeals

DJL/hv

xc: Chris Martin, Director of Engineering and Planning
Donald Young, Zoning Board Attorney
Peter Minotti, Planning Board Chairman
Terry Ekwel, Fire Marshal/Building Inspector

*Previously approved
variance which never
got a permit*

With regard to Application 2015-034 by Robert and Kellie Buchanan requesting a variance for twelve (12) chickens and two hundred and fifty square foot (250 s.f.) of coop and fence, Zoning Board Member Barley hereby moved to approve such variance as follows, seconded by Zoning Board Member White and MacIntyre.

WHEREAS, a public hearing was duly advertised and held with regard to the Variance, and

WHEREAS, the Zoning Board of Appeals has taken into consideration the benefit to the applicant if the Variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community in relation to such Variance, and

WHEREAS, the Zoning Board of Appeals has considered all relevant information.

THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals makes the following finds of fact regarding the Variance:

1. The Variance will not result in an undesirable change/detriment to nearby properties, as per the Applicant's testimony it is placed on one and half acres of land.
2. The Variance cannot be achieved by some other, feasible method as they now have six (6) chickens and would like twelve (12); their current coop seems sufficient.
3. The Variance is not substantial.
4. The Variance will not have a negative effect on the physical or environmental conditions of the neighborhood as the land spacing between neighbors seems to be adequate.
5. The difficulty resulting in the request for the Variance was not self-created.

BE IT FUTHER RESOLVED, that based upon said findings, the Zoning Board of Appeals hereby determines that said Variance is approved.

BE IT FURTHER RESOLVED, that this approval shall be subject to the following condition:

1. Chicken waste should be disposed of per the Missouri University method (Deep Litter Method) as discussed in the permit brochure; chicken waste should not be disposed of via the compost method.

In favor: Levey, Steidle, Barley, MacIntyre, Migliorini, White

Against: None

Abstain: None

MOTION CARRIED

REFERENCES:

- 1. LIBER 10515 OF DEEDS, PAGE 606
- 2. LIBER 12794 OF DEEDS, PAGE 32
- 3. LIBER 6804 OF DEEDS, PAGE 120
- 4. ABSTRACT BY METRO REAL ESTATE SERVICES OF WESTERN NEW YORK, LLC SEARCH No. MRE-A-24292 DATED MAY 1, 2023

PROPERTY SUBJECT TO:

- 1. DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS PER LIBER 4461 OF DEEDS, PAGE 45



LEGEND:

- X - IRON PIPE FOUND
- O - REBAR FOUND

N/F
BRIGID M. ANDRE
LIBER 12419 OF DEEDS, PAGE 270
TAX ACCT. No. 188.03-1-11

AREA:
1.309 Acres
TAX ACCT. No. 188.03-1-12

N/F
C.O.F., INC.
LIBER 11758 OF DEEDS, PAGE 1
TAX ACCT. No. 188.03-1-16.111

PROPERTY OWNER:

NOW OR FORMERLY
ROBERT BUCHANAN
& KELLIE BUCHANAN

I HEREBY CERTIFY THAT THIS SURVEY MAP WAS PREPARED FROM NOTES OF A LAND SURVEY COMPLETED BY JCW LAND SURVEYING, PLLC ON JUNE 5, 2023, AND FROM THE REFERENCES NOTED HEREON.

CERTIFIED TO:

- 1. Premium Mortgage Corporation, its successors and/or assigns
- 2. Dalbert A. Chambers & Christine M. Cicchino
- 3. Stewart Title Insurance Company
- 4. Boylan Code LLP
- 5. Dollinger Associates, P.C.

JAMIE C. WOLCOTT, PLS
LICENSE NO. 050902

2449 MAGOG ROAD - PALMYRA, NY 14522

PHONE: 1-315-597-3554

EMAIL: jamie@jcwlandsurveying.com



"The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the government agency, and to the lending institution listed on this survey map. The certifications herein are not transferable."

"Only boundary survey maps with the surveyors embossed seal are genuine true and valid copies of the surveyors original work."

"Any unauthorized alteration or addition to this survey map bearing a licensed land surveyors seal is a violation of section 7209, sub-division 2, of the New York State Education Law."

MONROE COUNTY
SCALE: 1"=40'

SURVEY MAP OF:
#5465 EAST RIVER ROAD
BEING IN PART OF TOWN LOT 10 OF THE SCOTT TRACT, TOWNSHIP 12, RANGE 7

SITUATE IN
TOWN OF HENRIETTA

NEW YORK
JUNE 6, 2023

