



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

Appeal No ZDA-2024-076

Date JULY 2ND, 2024

I (we) Cynthia M. Roth of 3140 East River Rd.  
Name of Applicant / Business Business (Number & Street)

Henrietta NY 14623 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><del>3140</del> East River Rd.</u>	<u>Rochester</u>	<u>NY</u>	<u>14623</u>
<small>No. &amp; Street</small>	<small>City (Henrietta)</small>	<small>State</small>	<small>Zip Code</small>
<u>160-04-1-1</u>			<u>R-1-15</u>
<small>Tax Map No.</small>			<small>Zoning District</small>

PROVISION(S) OF THE ZONING ORDINANCE APPEALED, (Indicate the article, section and paragraph of the Zoning Ordinance being appealed) 295-2B  
Number Only (Do not quote the ordinance)

Description of Proposal: Replace aging existing shed with new shed.

(10x14)  
ACCESSORY STRUCTURE ON LOT WITHOUT PRIMARY STRUCTURE

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

Received by: CCM Agent / Application: Cynthia M. Roth

Reviewed by: CCM / KDW Address: 3140 East River Rd.

Date of Meeting: AUGUST 7th, 2024 Rochester NY 14623

Phone #: [REDACTED]

Email: [REDACTED]

Signature: Cynthia M. Roth

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**

When I purchased these two properties 26 years ago, there was an inground pool and a total of 3 sheds on the “vacant lot” portion. One shed provided weather-proof protection for the pool filter and the remaining 2 sheds (one metal, one wooden) provided storage for patio furniture, gardening supplies, lawn care equipment, and snow removal equipment. I have always considered the two properties to be one and have always maintained them as if they were one property.

When the metal shed rusted and was beyond repair, I replaced it in 2009 with a wooden shed from Duro Shed. Now the original wooden shed is no longer usable. Over the past few years, we have made repairs and painted it, but it has reached a point that it can no longer be repaired. The wood has rotted and the foundation is unstable. It is unpleasant to look at and is likely to collapse (see existing shed 1, existing shed 2, and existing shed 3 photos).

**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.**

The new shed will be visually appealing. Its design is consistent with homes in the area. It has vinyl siding and a window on each side of the door (see new shed photo). The proposed shed will face the street, so that is the view that the neighbors will have. It will sit approximately 140 feet from the road to the left of the house.

**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.**

Because a property of this size requires equipment to maintain it in a proper manner, replacing the existing shed is a necessity. The current shed is beyond repair. The only option is replacement (see existing shed 1, existing shed 2, and existing shed 3 photos).

**3) Whether the requested area variance is substantial.**

The new shed will replace a shed which has been on the property since before I purchased it in 1998. This proposal does not represent a change to what has been there. Considering the overall size of the combined properties, it is not an overly large area occupied by sheds.

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

The proposed shed will be placed approximately 140 feet from the front of the property and approximately 200 feet from the rear of the property. It is 15 feet from the closer neighboring property and 170 feet from the farther neighboring property. It should not impact drainage or have any other impact at all on neighboring properties.

**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.**

Due to weather conditions and the natural shifting of the ground over a period of time in excess of 26 years, the current shed is no longer safe or usable for storing lawn and garden equipment. Reasonable care has been taken to maintain the existing shed, but replacing it can no longer be prevented.



overview 1



overview 2



existing shed 1



new shed



existing shed 2



existing shed 3

## APPLICATION FOR ZONING BOARD OF APPEALS

### Legal Notice to Read

Application ZBA-2024-076 of Cynthia Roth

requesting a variance for a accessory structure on a vacant lot

whereas a primary structure

*VRQ*  
is allowed by code on property located at East River Rd. Rochester, NY 14623

Application Information	
Meeting Date	<u>August 7th, 2024</u>
Received By	<u>CCM</u>
Date Received	<u>July 2nd, 2024</u>
Fee Amoun Paid	<u>\$75.00</u>
Check #	<u>1156</u>

**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: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

Owner: Cynthia M Roth

By: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: 7/2/2024

Signed: Cynthia M. Roth

