

**TOWN OF SWEDEN
Zoning Board of Appeals
Minutes – February 20, 2025**

A regular meeting of the Zoning Board of Appeals of the Town of Sweden was held at the Sweden Town Offices, 18 State Street, Brockport, New York on February 20, 2025, commencing at 6 p.m.

Members present: Stacey Costello; Kevin M. Johnson; Mark Sealy.

Absent: Pauline Johnson; Robert Carges

Also present: Nat O. Lester, III, ZBA Counsel; Alica and Bret Dieter

Acting Chairperson Johnson called the meeting to order at 6 p.m. and asked everyone to say the Pledge of Allegiance.

Acting Chairperson Johnson introduced the board members and welcomed Member Costello to her first board meeting. Zoning Counsel Lester, Clerk Brudz, and Bret and Alica Dieter, applicants, were also introduced.

Acting Chairperson Johnson waived the reading of the legal notice.

Application of Alica and Bret Dieter, 4929 Sweden Walker Road, Brockport, New York, for two (2) area variances. The applicants would like to construct a proposed addition, ±875 sq. ft., and replace the pre-existing, nonconforming front porch and add a handicap ramp along the side. The proposed front setback for the addition is 26.5 ft, 75 ft. required, 48.5 ft. variance request, and the front setback for the pre-existing, nonconforming front porch is 20.7 ft, 75 ft. required, 54.3 ft. variance request.

Town of Sweden Ordinance §175-36 R1-2 One-Family Residential Districts, D Lot and area requirements, (1) Specific requirements, (c) Required setbacks. [1] Front: 75 feet.
The property is owned by Alica Dieter, tax account number 084.04-1-22.1.

4929 Sweden Walker Road

Acting Chairperson Johnson asked the applicants to present their request for the variances. Mrs. Dieter stated they are looking to build an approximately 25 ft. by 35 ft. home addition and rebuild the front porch and add an accessible ramp. The current issue with getting approval for a building permit is that the house does not sit 75 ft. from the ROW. The original home was built in the late 1800s with a rebuilt and remodel in the 1990s. The area for the addition is on the north side of the current home. The current home sits approximately 28 ft. from the ROW and the addition would be between 26 ft. and 28 ft. from the ROW. This is the only option for the location of the addition. The rear of the home has a septic system directly behind it to the west. The driveway and neighbor's property line are to the south side of the property and not an option. On the east side is the ROW. The front porch has some issues that need to be addressed. The plan is to rebuild it and maintain its current size and location, approximately 21 ft. from the ROW. The only addition to the front porch is an accessible ramp to the south side beginning 24 ft. to 25 ft. from the ROW and face to the west. With the rising cost of new homes and lack thereof, more space is needed for their family and more accessibility for their handicapped son. He currently needs a walker to move around on his own and by eliminating the use of stairs with lots of help, the home would be more open and available to his needs. They thanked the Board for its consideration and understanding and look forward to starting this project as soon as possible.

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Acting Chairperson Johnson asked the Board if it had any questions or comments.

Zoning Counsel Lester asked the applicants to state what the character of the neighborhood looks like. Ms. Dieter explained the house to the south is approximately the same distance to the road as their house. The homes to the north are newer, built in the 1960s and 1970s and meet the 75 ft. front setback requirement. Northampton Park is across the road.

Acting Chairperson Johnson checked with the Clerk to see if there were any inquiries from the public. The Clerk stated one person asked for clarification but had no negative comments.

Mr. Sealy summarized that the house is pre-existing, nonconforming and the character of the neighborhood is similar.

Zoning Counsel Lester asked the Board if the variance request is substantial in relation to what already exists. Member. Sealy stated because of the pre-existing, nonconforming condition, the variance is not substantial. Acting Chairperson Johnson stated when the house was built, a building code did not exist, and Sweden Walker was not as wide as it is today.

The public hearing was closed at 6:09 p.m.

Acting Chairperson Johnson requested a SEQRA motion.

Ms. Stacey Costello offers the following resolution and moves for its adoption:

Having reviewed the application and Short Environmental Assessment Form of Alicia Dieter, owner of real property situated at 4929 Sweden Walker Road, tax account number 084.04-1-22.1, in the Town of Sweden, County of Monroe and State of New York, for two area variances:

1. 48.5 feet is requested for the front setback to construct a ±875 square feet proposed addition on the north side of the existing house. The proposed front setback for the addition is 26.5 feet, where 75 feet is required; and
2. 54.3 feet is requested for the front setback to replace the pre-existing, non-conforming front porch and add a handicap ramp along the south side, which is currently 20.7 feet, where 75 feet is required.

The Zoning Board of Appeals declares itself Lead Agency for the environmental review of this application pursuant to the SEQRA Regulations [6 NYCRR§617.6 9b)], and determines that the proposed variances are unlisted actions, which will not have a significant impact on the environment, which constitutes a negative declaration.

Seconded By Member Sealy and duly put to a vote, which resulted as follows:

Vote: Acting Chairperson Johnson - Aye
Member Costello - Aye
Member Sealy - Aye

Motion carried.

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Acting Chairperson Johnson requested a motion.

Member Sealy offers the following resolution and moves for its adoption:

That the application of Alicia Dieter, for two area variances:

1. 48.5 feet is requested for the front setback to construct a ±875 square feet proposed addition on the north side of the existing house. The proposed front setback for the addition is 26.5 feet, where 75 feet is required; and
2. 54.3 feet is requested for the front setback to replace the pre-existing, non-conforming front porch and add a handicap ramp along the south side, which is currently 20.7 feet, where 75 feet is required.

be approved for the following reasons:

1. An undesirable change will not be produced in the character of the neighborhood nor will a detriment to nearby properties be created by granting of the two area variances as the house was constructed in the late 1800s, pre-existing to the Town Code.

2. The benefit sought by the applicant cannot be achieved by another method other than an area variance as the pre-existing nonconforming structure has a front setback of 26-28 feet from the ROW. The septic system is located at the rear (west side) of the house and the driveway is located at the south side.

3. The requested area variances are substantial; however, it is because the house is a pre-existing, nonconforming structure with a front setback of approximately 26-28 ft.

4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood as it is in the immediate vicinity of Northhampton Park and Ledgesdale Airpark. There are pre-existing, nonconforming houses in the vicinity to the Town code.

5. The alleged difficulty was not self-created as the house was built in the late 1800s and is pre-existing, nonconforming to the Town code.

Acting Chairperson Johnson asked the Board for any discussion. There was none.

Seconded By Member Costello and duly put to a vote, which resulted as follows:

Acting Chairperson Johnson - Aye

Member Costello - Aye

Member Sealy - Aye

Motion carried.

Alica and Bret Dieter discussed the next steps with the Clerk and thanked the Board.

OTHER

Request Review Comment - Renewal Excavation Permit – Iroquois Rock Products

The Board discussed the renewal of the excavation permit. There were no comments.

Minutes – December 12, 2024, are on hold until Chairperson Carges returns.

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Moved by Member Sealy that the meeting be adjourned at 7 p.m.

Seconded By Member Costello and duly put to a vote, which resulted as follows:

Vote: Acting Chairperson Johnson - Aye

Member Costello - Aye

Member

Sealy – Aye

Motion carried.

Respectfully submitted,
Phyllis Brudz
Zoning Board of Appeals Clerk