

VILLAGE OF SPRINGVILLE
MINUTES OF THE MEETING OF ZONING BOARD OF APPEALS

January 8, 2020

7:00 P.M.

A meeting of the Zoning Board of Appeals of the Village of Springville was held at the Municipal Building, 65 Franklin Street, Springville, New York at the above date and time.

Present were:

Chairman:	Joe Wolniewicz
Members:	Timothy O'Neal Kate Moody Jamie Raynor Kimberly Krzemien
Also Present:	Mike Kaleta, CEO/Building Inspector Alan Chamberlin, Trustee Jim Krezmien Elaine Krezmien Sebastian Meiburg Otto Rotter Frank Jacobson Wallace Grieser Mick Holland Danny Harris Ryan Holland Rob Holland Tom Schuster
Clerk:	Kellie Grube

Chairman Wolniewicz called the meeting to order at 7:00 p.m. to hear the petition of Glenn Holland and Danny Harris, 106 North St., Springville, New York, **File #8977** for a Use Variance.

Due to the applicant's property being located within a R8.5 Zoning District, the applicable section for File #8977 of the Village Code for **permitted uses of this property are as listed within this Chapter § 200 Attachment 1.**

The requirement for which the Variance is requested is that for this property the Zoning District is R8.5 and does not permit used car sales lot. Home fuel oil sales and business office are currently a Nonconforming use per Article IX.

At 7:02 pm Chairman Wolniewicz opened the Public Hearing.

Page 2

Zoning Board Meeting

January 8, 2020

Attorney Frank Jacobson from the Law Firm of Ralph Lorigo Esq. came up to speak on behalf of the applicants. Mr. Jacobson went right in to explaining the hardship and burden it would be to the property owner, Mick Holland, if the Zoning Board of Appeals did not allow Mr. Harris to run his business of internet car sales out of this building. The property is located within a R8.5 District. The district allows single family residential dwellings only. When Mr. Holland purchased this property it was being used as a business, the same kind of business that Mr. Holland ran at this location for years. Prior to the business that Mr. Holland purchased years ago it is not known when or if the zoning was changed. The problem that Mr. Holland now faces is the list of what would be a conforming use of this property is very short and very specific. One of the options per the Code of the Village of Springville though is that of a business office. Mr. Jacobson went on to explain that applicant Mr. Harris, would be primarily using the property as a business office due to his sales being internet sales. The amount of vehicles at any one time at this location would not exceed four, with the exception of employee vehicles, which are licensed legal vehicles.

At this time Zoning Board of Appeals Chairman Joe Wolniewicz asked Mr. Jacobson if he had prepared financial statements for the applicants proving hardship as is required by the Code of the Village of Springville for a Use Variance to be considered. Mr. Jacobson stated that he had not. He did state that he has brought a realtor with him to provide testimony regarding this property.

The Zoning Board of Appeals asked realtor Mr. Wallace Grieser to come up and explain his findings. Mr. Greiser explained that in his opinion, this property would be extremely difficult to sell within the confines of the R8.5 zoning district. He stated that he would have to present the property for sale as needing to be turned into a single family residential dwelling in order for it to conform to Code and it is of his opinion that it would be near impossible to sell the property under this zoning restriction.

Chairman Wolniewicz thanked Mr. Greiser for his time, but informed the applicant's that in order for the Zoning Board of Appeals to grant a Use Variance, they still need all requirements of the request met, including the financial feasibility statements proving hardship amongst other things that the Code requires. Chairman Joe Wolniewicz also informed the applicants that there are other uses that are permitted and uses that are permitted by special exception that this property could be used for.

With that being said, Mr. Jacobson requested that the Zoning Board of Appeals table this application until next month's meeting to allow him the opportunity to prepare and provide all requested materials.

In light of the applicants stating that there would be no outdoor storage of vehicles and that the vehicles would be stored indoors, Building Inspector/CEO Mike Kaleta said that the Village would not necessarily need a Use Variance from the applicants. The reasoning behind this is that the property has been used as office space all along and is one of the allowed legal nonconforming uses. If all of the vehicles that are for sale are stored within the confines of the building and are not visible Mr. Kaleta would have nothing to enforce and essentially the property would continue being used as it has been all along.

Mr. Jacobson said that he will discuss this with his clients and get back to the Zoning Board of Appeals with how they would like to proceed with this application. The Zoning Board of Appeals agreed to table this application until next month pending the applicant's decision.

Page 3

Zoning Board Meeting

January 8, 2020

Chairman Wolniewicz asked if there was any other person in attendance this evening who would like to be heard.

Mr. Jim Krezmien of 33 Greenwood Pl. came up to express his concerns. Mr. Krezmien stated that he lives near this property and would like to go on record that he is opposed to Mr. Harris having his business located there, within a residential district. He also expressed concern regarding Mr. Harris having a Department of Motor Vehicles sign already posted and he has researched the legality of the sign and he knows that an inspection needs to be done to the location prior to the sign being permitted to be hung.

When Mr. Krezmien was finished, Mr. Harris approached the Zoning Board of Appeals to inform them that Mr. Krezmien was correct regarding the legalities of the Department of Motor Vehicles sign and that he had indeed had an inspection and that his sign and its display are all within necessary requirements. Mr. Harris also wanted to state that he has not been conducting any business on the property until he receives permission from the Village of Springville.

Mr. Mick Holland, the property owner, also wanted to express to the Zoning Board of Appeals his opinion. He stated that as long as he has owned the property it has always been run as a business. He said that he has always taken care of this property to keep it looking neat and will continue to do so. Mr. Holland also wanted to say that to require this property to be anything other than a business would put a burden on him as he cannot see anyone ever being interested in the property for anything other than a business.

Again, Chairman Wolniewicz thanked those who expressed their thoughts and he also again explained that whether the Zoning Board of Appeals felt that the business would or would not be a good fit at this location, they still had requirements that had to be followed and met in order for them to make a decision and that this application has been tabled until next month to allow the applicants time to decide how they want to proceed.

With there being no other Public Hearings this evening, Chairman Wolniewicz asked the Members if there were any changes or concerns with the November 13, 2019 meeting minutes.

With there being none, Chairman Wolniewicz asked for a motion to approve the minutes. Member Kim Krzemien made the motion, seconded by Member Jamie Raynor. All in favor, none opposed.

At 8:19 p.m., Chairman Wolniewicz made a motion to adjourn the meeting. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube

