

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

January 13, 2021

7:00 P.M.

A meeting of the Zoning Board of Appeals of the Village of Springville was held virtually 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 Ron Swartz, Applicant Terry Skelton, Trustee
Clerk:	Kellie Grube

Chairman Wolniewicz called the meeting to order at 7:00 p.m. to hear the petition of Ron Swartz, 109 and 115 Waverly St., Springville, New York, **File #9362** for an Area Variance for setback. The applicant is requesting to encroach 2' of the minimum side yard 6'.

Due to the applicant's property being located within a R8-5 District, the applicable section for File #9362 of the Village Code is:

§ 200 Attachment 4 side yard minimum setback 16'. Side minimum for one is 10'.

At 7:05pm, Chairman Wolniewicz opened the Public Hearing.

Mr. Swartz was present via virtually to explain why he was seeking the variance.

Mr. Swartz stated that he was seeking a slight property line adjustment. Along with the property line adjustment, he will also need an area variance for setback in order to make the new property lines and driveway adjustment work. His rental property at 115 Waverly Street shares a driveway with the residents at 109 Waverly Street. Currently Mr. Swartz said that he has a good relationship with the owners of 109 Waverly Street but with his property being a two family rental, he feels that separating the driveways would be a smart move. One benefit is to avoid any possible future conflict and another benefit would be to increase property value. Mr. Swartz has spoken to the owners of 109 Waverly Street and they are willing to separate the driveways as long as a feasible replacement can be made. Mr. Swartz stated that he has spoken to Cheryl Lape, the owner of the property adjacent to 109 Waverly, and she is willing to sell some property so

that the owners of 109 Waverly Street may have a driveway on the opposite side of the shared driveway.

The variance that Mr. Swartz is seeking is a side yard setback. Per the Village of Springville Code 200 Attachment 4, a sideyard setback in the R8.5 Districts is 16' with side minimum for one is 10'. Mr. Swartz will need to encroach the remaining 6' by 2'.

At this time, Chairman Wolniewicz closed the Public Hearing to go into Board discussion.

After some discussion, Chairman Wolniewicz declared the SEQR for File #9362 a Type II requiring no further action; therefore a negative declaration was determined.

At this time, the Zoning Board of Appeals went over the factors considered in their decision:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes ___ No x(5)
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes ___ No x(5)
3. Whether the requested variance is substantial: Yes ___ No x(5)
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No x(5)
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance: Yes x(5) No _____

DETERMINATION OF THE ZONING BOARD OF APPEALS BASED ON THE ABOVE FACTORS:

The benefit to the applicant DOES outweigh the detriment to the neighborhood or community. With keeping in mind that the Variance is within the character of the neighborhood and doesn't impact the environment, the variance request is approved.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	NO VOTE
JOE WOLNIEWICZ	<u> x </u>	_____	_____
TIMOTHY O'NEAL	<u> x </u>	_____	_____
KATE MOODY	<u> x </u>	_____	_____
JAMIE RAYNOR	<u> x </u>	_____	_____
KIM KRZEMIEN	<u> x </u>	_____	_____

With there being no other Public Hearings this evening, Chairman Wolniewicz asked the Members if there were any changes or concerns with the November 18, 2020 meeting minutes.

With there being none, Member Tim O'Neal made the motion to approve the minutes. All in favor, none opposed.

At 7:27 p.m., Chairman Wolniewicz made a motion to adjourn the meeting, seconded by Member Jeremy Raynor. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube