

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

May 12, 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 (absent) Kate Moody Jamie Raynor Kimberly Krzemien
Also Present:	Mike Kaleta, CEO/Building Inspector Jeff Morlock, Applicant Dan Morlock, Applicant Terry Skelton, Trustee
Clerk:	Kellie Grube

Chairman Wolniewicz called the meeting to order at 7:01 p.m. to hear the petition of DMJM Properties, JD's Brew Pub, 405 S. Cascade Dr., Springville, New York, **File #9466** for an Area Variance for setback. The applicant is requesting to 9' rear and 15' side and the Code states 25' is required.

Due to the applicant's property being located within a CIP District, the applicable section for File #9466 of the Village Code is:

§ 200 Attachment 6, rear and side yard minimum setback 25'.

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

Mr. Jeff Morlock was present to explain why they were seeking the variance. He stated that they propose building a 36' x 45' pavilion, that would be approximately 1,620 sqft, to replace putting up a tent like they have done in the past. The proposed location on the property would be encroaching on the side and rear setbacks and will require a variance to build it where they would like.

Mr. Morlock went on to explain that they wish to move the side yard fence on the north side away from the property line in order to create a driveway between their place and Tim and Bonnies. This would allow both businesses to use the parking area at the rear of the bowling alleys without having to drive back onto the street. Currently there is an agreement between them to share parking areas. Both buildings to the north and south encroach on their setbacks as well.

After a little bit more discussion, Chairman Wolniewicz declared the SEQR for File #9466 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(4)
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes x(4) No ___
It was discussed that the applicant could have only put signage on three sides of the building.
3. Whether the requested variance is substantial: Yes x(3) No x(1)
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No x(4)
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(4) 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>	_____	_____

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With there being no other Public Hearings this evening, Chairman Wolniewicz asked the Members if there were any changes or concerns with the January 13, 2021 meeting minutes.

With there being none, Member Jeremy Raynor made the motion to approve the minutes. All in favor, none opposed.

At 7:15 p.m., Chairman Wolniewicz made a motion to adjourn the meeting. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube