

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

August 9, 2017

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 Marc Gentner
Also Present:	Mike Kaleta, CEO/Building Inspector Alan Chamberlin, Trustee Robert Slippy, Applicant
Clerk:	Kellie Grube

Zoning Board Chairman Joe Wolniewicz called the meeting to order at 7:01 p.m. for a Public Hearing this evening. This Public Hearing is to hear the petition of Robert and Gail Slippy, 184 N. Central Ave., Springville, New York, **File #8047** for an Area Variance for placement of a shed. They will be encroaching in the setbacks established by Village Code. This site is located within a CIP Zoning District.

Applicable section for File #8047 of the Village Code is Section §200-10 A, B & C. §200 Attachment 3 Existing Dwelling units are permitted use in a CIP District. Accessory Buildings are also a permitted use. This is a corner lot.

At 7:04 pm Chairman Joe Wolniewicz opened the Public Hearing.

Notification for the Town of Concord and Erie County Planning was not necessary and all other public notifications were completed and this Public Hearing announcement was published in the Springville Journal.

Chairman Wolniewicz asked Mr. Bob Slippy, who was present to represent himself, to explain what he was seeking an Area Variance for. Mr. Slippy informed the Zoning Board he had rebuilt a house on this lot and had also replaced a shed that was previously there. The new shed is a little bit bigger and due to the size restrictions of this lot there is really no good place to put the shed that would not be within the required setbacks.

Code Enforcement Officer Mike Kaleta stated that historically if he had a residential property that was located in a CIP District, he would refer to the Residential Codes. Due to a few of the

Zoning Board members being new, Mr. Kaleta also explained why this a bit of a tricky Area Variance request. One of the bigger reasons was the fact that the road width on the Zoning map and the Survey are different. The Zoning map shows a width of 49.5' while the Survey shows a width of 66', with there being a difference of 8.25'. Mr. Kaleta went on to say that per the NYS Building Code, he has determined that this structure would not be in violation.

Regarding the Zoning Board petition, the ZBA declared the SEQR for File #8047 a Type II requiring no further action.

The Zoning Board, after some more discussion about the setbacks for this property and the definite difficulty it would be to place the shed outside of those setbacks, decided to go over the factors considered when decision making for an Area Variance.

At this time, Chairman Joe Wolniewicz closed the Public Hearing. 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 5

Reasons: The shed is similar in size and location to an out building previously at the site.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes ___ No 5

Reasons: The specific configuration of the lot and its location as a corner lot in a CIP zoned area does not allow for alternatives.

3. Whether the requested variance is substantial: Yes ___ No 5

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No 5

Reasons: Due to the size of the facility/building there is no impact on the physical or environmental conditions in the neighborhood.

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 1 No 4

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

The ZBA, after taking into consideration the above five factors, finds that:

The benefit to the applicant does outweigh the detriment to the neighborhood or community. The ZBA further find that a variance of minimum setback requirements from Section 200-10 of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood. It was also stated that there are no physical or environmental impacts due to the size of the building in addition to a similar structure had been previously located on the site. Therefore the variance request is approved.

RECORD OF VOTE

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

Lastly, Chairman Wolniewicz asked for a motion to approve the minutes from the February 8, 2017 meeting, Tim O'Neal made the motion, seconded by Kate Moody. All in favor, none opposed.

At 8:15 p.m. Chairman Wolniewicz asked for a motion to adjourn the meeting. Member Kate Moody made the motion, seconded by Member Jamie Raynor. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube