

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

August 24, 2016

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:

Chairwoman:	Sue Owen
Members:	Christine Greene (absent) Joe Wolniewicz Timothy O'Neal David Guadagna (absent)
Also Present:	Mike Kaleta, CEO/Building Inspector (absent) Mike Jara, Country Fair
Clerk:	Kellie Grube

Zoning Board Chairwoman Sue Owen called the meeting to order at 7:02 p.m. for a Public Hearing this evening. This Public Hearing is to hear the petition of Country Fair, 21 S. Cascade Dr., Springville, New York, **File #7828** for an Area Variance. Country Fair will be erecting some additional building for coolers, freezers and stock areas. They will be encroaching one of the 25' setbacks by 1.5'. The Planning Board will be reviewing the Site Plan September 13, 2016. This site is located within a CIP Zoning District.

Applicable section for File #7828 of the Village Code is Section 200, Attachment 6, 25' Side Yard Minimum Setback. This is a corner lot.

At 7:04 pm Chairwoman Sue Owen opened the Public Hearing.

Notification for the Town of Concord and Erie County Planning has been completed. All other public notifications were completed and this Public Hearing announcement was published in the Springville Times.

Chairwoman Owen asked Mr. Mike Jara, who was present to represent the applicant, Country Fair, to explain what they wanted to do and why they were seeking an Area Variance. Mr. Jara informed the Zoning Board that Country Fair would like to make additions to the existing convenience store of new coolers, freezers and enlarging the rest room for a total of 1,365 additional square feet. Mr. Jara also explained what the exterior will look like and the process in which they do these additions. He also stated that there will still be a drivable lane behind the building where the encroachment is.

Regarding the Zoning Board petition, the ZBA declared the SEQR for File #7828 a Type II requiring no further action.

The Zoning Board, after some more discussion about the setbacks for this property, decided to go over the factors considered when decision making for an Area Variance.

At this time, Chairwoman Sue Owen 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 x
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes ___ No x
3. Whether the requested variance is substantial: Yes ___ No x
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No x
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 No ___

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 1.5 feet from Section 200 Attachment 6 of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood. Therefore the variance request is approved.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	NO VOTE
SUE OWEN	<u> x </u>	_____	_____
JOE WOLNIEWICZ	<u> x </u>	_____	_____
TIMOTHY O'NEAL	<u> x </u>	_____	_____
CHRISTY GREENE	_____	_____	<u> x </u>
DAVE GUADAGNA	_____	_____	<u> x </u>

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Lastly, Chairwoman Owen asked for a motion to approve the minutes from the July 6, 2016 meeting, Tim O'Neal made the motion, seconded by Joe Wolniewicz. All in favor, none opposed.

At 7:25 p.m. Chairwoman Owen made a motion to adjourn the meeting.

Respectfully Submitted,

Kellie R. Grube