

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

September 8, 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:	Kate Moody Jamie Raynor Kimberly Krzemien
Also Present:	Jamie Francisco, Applicant Julie Francisco, Applicant Ed Kruger, Applicant Nancy Kruger, Applicant Terry Skelton, Trustee
Clerk:	Kellie Grube

Chairman Wolniewicz called the meeting to order at 7:01 p.m. to hear the petition of Ed and Nancy Kruger, 164 Elk Street, Springville, New York, **File #9615** for an Area Variance for setback. The applicant wishes to remove the existing 14' x 20' attached garage and build a new attached garage 22' x 32'. After the garage expands there will only be a little over 4' left.

Due to the applicant's property being located within a R8.5 District, the applicable section for File #9615 of the Village Code is:

§ 200 Attachment 4.

At 7:03 pm, Chairman Wolniewicz opened the Public Hearing.

Mr. and Mrs. Kruger would like to remove their existing 14' x 20' attached one car garage and build a new two car 22' x 32' garage. The applicants feel that over the years that they have just outgrown their current situation. The proposed location on the property would be encroaching on the side setback and will require a variance to build it where they would like. The Code calls for 6' and if the applicant builds here they will only have a little over 4' left.

With there being no further questions, Chairman Wolniewicz declared the SEQR for File #9615 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 ___ No (4)
3. Whether the requested variance is substantial: Yes x(2) No x(2)
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>	_____	_____

The next public hearing before the Zoning Board of Appeals this evening is the petition of Jamie and Julie Francisco, 110 Prospect Avenue, Springville, New York, **File #9642** for an Area Variance for setback for a corner lot.

Setback from the street on a corner lot requires 25' off both streets, with the additional size of the front porch being replaced which already encroached that. Other properties in the area also appear to encroach that setback.

Due to the applicant's property being located within a R8.5 District, the applicable section for File #9642 of the Village Code is:

§ 200 Attachment 4.

At 7:03 pm, Chairman Wolniewicz opened the Public Hearing.

Mr. and Mrs. Francisco were present to come up and explain what they would like to do. The applicants stated that they would like to construct a new porch at the front of their residence while increasing in size from the already existing porch. What they are proposing would leave 26.43' to the right of way on the south side to prospect Ave. and on the east side to Myrtle Ave. would leave 12.25' to the right of way.

With there being no further questions, Chairman Wolniewicz declared the SEQR for File #9642 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 (2) No (2)
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>	<u> </u>	<u> </u>
TIMOTHY O'NEAL	<u> </u>	<u> </u>	<u> X </u>
KATE MOODY	<u> X </u>	<u> </u>	<u> </u>
JAMIE RAYNOR	<u> X </u>	<u> </u>	<u> </u>
KIM KRZEMIEN	<u> X </u>	<u> </u>	<u> </u>

With there being no other Public Hearings this evening, Chairman Wolniewicz asked the Members if there were any changes or concerns with the May 12, 2021 meeting minutes.

With there being none, Chairman Wolniewicz made the motion to approve the minutes. All in favor, none opposed.

At 7:32 p.m., Chairman Wolniewicz made a motion to adjourn the meeting. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube