

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

September 28, 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 Kenneth Rothenberg, Applicant Herb Lux Nancy Ahrens Monica Poppenberg Alicia Poppenberg
Clerk:	Kellie Grube

Zoning Board Chairwoman Sue Owen called the meeting to order at 7:04 p.m. for a Public Hearing this evening. This Public Hearing is to hear the petition of Kenneth Rothenberg, Springville, New York, **File #7867** for Subdivision. The applicant owns parcel number 335.160-4-42 on Elm Street that is comprised of .56 acres and he would like to subdivide for development. This site is located within a R8-5 Residential Zoning District and minimum lot width in a R8.5 is required to be 85 feet. The applicant would like to split his parcel in half leaving each parcel with a frontage of 71 feet and approximately 60.5 feet to the rear.

Applicable section for File #7867 of the Village Code is Section 200, Attachment 4. Minimum lot dimensions. Lot width 85 feet in R8.5 Zoning District. .

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

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

Chairwoman Owen asked Mr. Lux, who spoke on behalf of the applicant, to explain what they wanted to do and why they were seeking an Area Variance for Sub-division. Mr. Lux explained to the Zoning Board that they would like to divide the property in half at a right angle to Elm Street, with lot sizes being approximately 71 feet in width and the depth of approximate average of 185 feet. The lots would be a bit more than a quarter acre. Mr. Lux said that the lots would be

in harmony with the other lots in the Village and on south Elm Street which has numerous lots facing Elm Street under 71 feet. Mr. Lux said they would like to be able to build two homes to add to the beauty and revenue of the Village. The homes that they are proposing are single story ranch houses that would be on the smallish side.

Ms. Nancy Ahrens got up to voice her concerns regarding the sub-division. Ms. Ahrens and a couple of neighbors that were present informed the Zoning Board that they are worried about congestion in their back yards and that because of the congestion their property value would decrease. Mr. Lux explained to them that the houses would be small and the lots are deep enough to handle a house and even a smaller outbuilding with little interference to the neighbor's back yard.

Regarding the Zoning Board petition, the ZBA declared the SEQR for File #7867 a Type II requiring no further action.

The Zoning Board, after some more discussion about the sub-division and development of this property with neighbors, 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

Reasons: Due to the similar sizes of surrounding, existing properties.

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 x No ___
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 14 feet will be given for each lot to create two buildable lots. The variance pertains to Section 200 Attachment 4 of the Zoning Code. The variance request is **approved with the stipulation that based on the presentation of the applicant, that two smaller single story ranch style homes would be built.** It was that presentation that the Zoning Board determined their approval on.

RECORD OF VOTE

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

Lastly, Chairwoman Owen asked for a motion to approve the minutes from the August 24, 2016 meeting, Tim O'Neal made the motion, seconded by Joe Wolniewicz. All in favor, none opposed.

Lastly, at 8:17 p.m. Chairwoman Owen asked for a motion to adjourn the meeting. Joe Wolniewicz made the motion, seconded by Tim O'Neal. All in favor, none opposed.

Respectfully Submitted,

Kellie R. Grube