

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

November 8, 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 Tim Black, Land Pro
Clerk:	Kellie Grube

Zoning Board Chairman Joe Wolniewicz called the meeting to order at 7:03 p.m. for a Public Hearing this evening. This Public Hearing is to hear the petition of Land Pro Equipment LLC, 336 Vaughn Street, Springville, New York, **File #8318** for a Use Variance for outdoor storage. This site is located within a R8-5 Zoning District and it does not permit outdoor storage for a commercial use.

Applicable section for File #8318 of the Village Code is Chapter 200 Attachment 1. All unlisted uses are prohibited in all districts. Outdoor storage is not listed for this district and is therefore prohibited.

At 7:06 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. Black, who was present to represent Land Pro, to explain why they were seeking a Use Variance. Mr. Black informed the Zoning Board that the business was doing well, so well in fact that they needed more space. Mr. Black said that they have begun a contract with B & B Homes to purchase close to 2 acres behind their parcel to give them more space for outdoor storage and to square off their parcel. The Zoning Board of Appeals was also presented with a letter from B & B Homes as to the difficulty this parcel has been to develop due to there being no availability for public sewers or private septic systems to be put in.

At this time, Chairman Wolniewicz explained to Mr. Black the difficulties of granting a Use Variance.

Chairman Joe Wolniewicz closed the Public Hearing. The Use Variance Findings and Decision sheet was then used to determine if this application met the hardship requirements for a Use Variance. The Zoning Board of Appeals went over the factors considered in their decision:

FACTORS CONSIDERED:

1. The Applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial : Yes ___ No 5
2. The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the zoning district or neighborhood.) : Yes ___No 5
3. The requested use variance, if granted, will not alter the essential character of the neighborhood: Yes 5 No ___
4. The alleged hardship has been self-created: Yes 3 No 2

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

The ZBA, after taking into consideration the above four proofs, finds that:

*The applicant has failed to prove unnecessary hardship through the application of the four tests required by the state statutes. Therefore the variance request is **denied**.*

RECORD OF VOTE

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

All members agree that this would be a proper use of the property, unfortunately the Zoning Board of Appeals does not have the ability to grant a variance for this Public Hearing. With that in mind the Zoning Board would like to make a recommendation to the Village Board of Trustees to rezone this area with an Overlay District. They would like to see a larger area than

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just this application included in the proposed Overlay District. Chairman Wolniewicz asked for a motion. Member Tim O'Neil made the motion, seconded by Member Jamie Raynor. All in favor, none opposed.

Lastly, Chairman Wolniewicz asked for a motion to approve the minutes from the August 9, 2017 meeting, Member Tim O'Neal made the motion, seconded by Member Marc Gentner. All in favor, none opposed.

At 8:22 p.m. Chairman Wolniewicz asked for a motion to adjourn the meeting. Member Marc Gentner made the motion, seconded by Member Kate Moody. All in favor, none opposed.
Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube