

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

November 13, 2019

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 (absent) Kate Moody Jamie Raynor Kimberly Krzemien
Also Present:	Mike Kaleta, CEO/Building Inspector Alan Chamberlin, Trustee Thomas Shelburg, RA Kelly Campbell, Chamber of Commerce Jim Krezmien
Clerk:	Kellie Grube

Chairman Wolniewicz called the meeting to order at 7:00 p.m. to hear the petition of Roosa Family Associates, WellNow, S. Cascade Dr., Springville, New York, **File #8993** for an Area Variance.

Due to the applicant's property being located within a CIP Zoning District, the applicable section for File #8993 of the Village Code is **§ 200 Attachment 6. Minimum lot depth in a CIP District is 200'. Applicant only shows 150'.**

Also on the agenda this evening the Zoning Board of Appeals will be hearing the petition of Mr. Glenn Holland and Mr. Danny Harris

At 7:01 pm Chairman Wolniewicz opened the Public Hearing.

Mr. Thomas Shelburg, RA, the architect for Roosa Family Associates came up to explain why the applicants are seeking an area variance and to answer any questions that the Zoning Board of Appeals may have. Mr. Shelburg explained that the lot does conform with the Village Code as far as the overall square footage of 40,000 but that it does not meet the depth requirement. The lot is only 150' in depth and per Village Code it is supposed to be 200'. Mr. Shelburg went on to explain that this parcel was once upon a time 2 parcels and is now one. The old proposed exit from the 219 Expressway went through what is now the Roosa Family Associates lot and subsequently the land surrounding the applicant's property as well. When the proposed exit wasn't built on that location, New York State sold a portion of the property to Roosa Family Associates and some of that land has been used to form the current lot in which the applicants are seeking an Area Variance for.

Chairman Wolniewicz closed the Public Hearing to go into Board discussion.

After some discussion, Chairman Wolniewicz declared the SEQR for File #8993 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 x(4)
3. Whether the requested variance is substantial: Yes x(1) No x(3)
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(2) No x(2)

**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 finds that a variance of 54.04' 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 and the health, safety and welfare of the community because:

*The requested variance is approximately 25% permitted minimum dimension.*

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>
KIMBERLY KRZMIEN	<u>  x  </u>	<u>      </u>	<u>      </u>

Next on the agenda this evening is the petition from Glenn Holland and Danny Harris, 106 North St., Springville, New York, **File #8977**, for a Use Variance.

The requirement for which the Variance is requested is that for this property the Zoning District is R8.5 and does not permit used car sales lot. Home fuel oil sales and business office are currently a Nonconforming use per Article IX.

The permitted uses for this property are listed in **Chapter 200 Attachment 1 of the Code of the Village of Springville.**

Building Inspector/CEO Mike informed the Zoning Board of Appeals that the applicants for this Public Hearing asked to be tabled until next month. The applicants hired an attorney to represent them and assist with filling out the Five Factor questions that assist the ZBA in their determination. Unfortunately the attorney was recently hired and did not have the time to properly fill out the paperwork. The Zoning Board of Appeals agreed to table Application # 8977 and will meet December 11, 2019 to continue this Public Hearing at that time.

With there being no other Public Hearings this evening, Chairman Wolniewicz asked the Members if there were any changes or concerns with the April 10, 2019 meeting minutes.

With there being none, Chairman Wolniewicz asked for a motion to approve the minutes. Member Kate Moody made the motion, seconded by Member Kim Krezmien. All in favor, none opposed.

At 7:42 p.m., Chairman Wolniewicz made a motion to adjourn the meeting. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube

