

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

November 29, 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 Bob Laskowski Rob Hrobocinski Maryann Hrobocinski Chris Watz April Watz
Clerk:	Kellie Grube

Chairman Wolniewicz called the meeting to order at 7:00 p.m. to hear the petition of The Children's League, 393 North Street, Springville, New York, **File #8329** for an Area Variance. The applicant wishes to have signage added to the building in two spots while already having a freestanding sign at the street.

Due to the applicant's property being located within a R-8.5 Zoning District, the applicable section for File #8329 of the Village Code is § 200-33c. Residence District.

§ 200-33c. For churches, libraries, social clubs, public buildings and other similar uses, a single identification sign not exceeding 12 square feet in area and indicating only the name, address and hours of service of the building may be displayed, except that churches may include their religious messages. Such signs may be free standing or building mounted.

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

Chairman Wolniewicz declared the SEQR for File #8329 a Type II requiring no further action.

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 Journal.

Chairman Wolniewicz asked Mr. Bob Laskowski, who was representing The Children's League, to explain why they are seeking an area variance. Mr. Laskowski explained that the school would like to add the signs to assist in direction and focus to the front entrance. The signs would be directly attached to the

building. Currently The Children’s League has a freestanding sign out front of the business that has been there for quite some time. The Zoning Board of Appeals were also provided with drawings of the signs that the applicant is proposing.

At this time the Zoning Board of Appeals decided to go over the factors considered when decision making for an Area Variance.

Member Joe Wolniewicz closed the Public Hearing. The Zoning Board of Appeals went over the factors considered in their decision that will be based on what the applicant has presented regarding signage:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes ___ No x(5)
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes ___ No x(5)
3. Whether the requested variance is substantial: Yes x(5) No ___
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No x(5)
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(5) 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 an area variance shall be given. The variance pertains to § 200-33c. Residence District of the Zoning Code. With keeping in mind that the signage is within the character of the building 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>	_____	_____
MARC GENTNER	<u> x </u>	_____	_____

Next, this evening is another Public Hearing for an Area Variance. The Zoning Board of Appeals will hear the petition of Chris and April Watz, 128 Spring Street, Springville, New York, **File #8336** for an Area Variance. The applicant would like to add on a 12 x 22 feet single story addition with a basement.

The applicant's property is located within a R-8.5 Zoning District. Applicable section for File #8336 of the Village Code is § 200 Attachment 4, which states that a R-8.5 side yard setback is 16 feet for both and a minimum of 10 feet for one. Currently the applicant has a little over 15 feet and is required to have 6 feet.

At 7:26 pm Chairman Wolniewicz opened the Public Hearing.

Chairman Wolniewicz declared the SEQR for File #8336 a Type II requiring no further action.

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 Journal.

Chairman Wolniewicz asked Chris and April Watz to come up and explain why they needed a variance. Mr. Watz explained to the Zoning Board of Appeals that due to the configuration of the inside of their house and a deck that they have on the outside of their house, putting the addition on the side that they proposed is the only option that they felt that they have. Mr. Watz went on to say that he would need a variance of 3feet within the 6feet minimum to the property line. Mr. Watz also stated that he has been in contact with the Village of Springville's Water/Sewer Department and will have to move his lines. He has also been in contact with the Village of Springville's Electric Department seeing that he will be upgrading his service. All of this will be encompassed into his Building Permit should this variance get approved.

Building Inspector Mike Kaleta explained that this variance request may come down to interpretation. Was the intention of the Code of the Village of Springville regarding the 16 feet setback to be split with a total minimum of 10 feet and 6 feet on the other or could it be adjusted to be all on one side? Also, the applicant's lot is 60 feet in width in a district that now requires 85 feet. This requirement was made after the applicant's lot had been formed years ago, if their lot was the minimum 85 feet, this variance would not be needed.

Once again, the Zoning Board of Appeals went over the factors considered when decision making for an Area Variance.

Member Joe Wolniewicz closed the Public Hearing. The Zoning Board of Appeals went over the factors considered in their decision that will be based on the applicant building within 3 feet of the side yard setback.

FACTORS CONSIDERED:

3. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes ___ No x(5)
4. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes ___ No x(5)
3. Whether the requested variance is substantial: Yes x(5) No ___
6. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No x(5)
7. 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 1(x)
Reasons: Due to the minimum lot size being changed after the lot was formed.

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 an area variance shall be given. The variance pertains to § 200 Attachment 4 of the Zoning Code. 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>	_____	_____
MARC GENTNER	<u> x </u>	_____	_____

With there being no more Public Hearings this evening, Chairman Wolniewicz went over his suggestions to Mr. Kaleta's e-mail dated November 14, 2017 regarding possible changes to the Use Variance findings sheet.

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Lastly, Chairman Wolniewicz asked for a motion to approve the minutes from the November 8, 2017 meeting, Tim O'Neal made the motion, seconded by Marc Gentner. All in favor, none opposed.

At 8:04 p.m. Chairman Wolniewicz made a motion to adjourn the meeting. Member Jamie Raynor seconded the motion. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube