

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

November 30, 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 (absent)
Members:	Christine Greene Joe Wolniewicz Timothy O'Neal David Guadagna
Also Present:	Mike Kaleta, CEO/Building Inspector Richard C. Hawth Tina Hawth Zach Hawth A Neighbor
Clerk:	Kellie Grube

Zoning Board Member Joe Wolniewicz called the meeting to order at 7:00 p.m. for a Public Hearing this evening. This Public Hearing is to hear the petition of Richard Hawth, 91 Church St., Springville, New York, **File #7915** for an application for an Area Variance. Mr. Hawth would like to erect a 20 x 40 foot garage on his property but he cannot meet the setback requirements. There is a side yard setback of 6 feet required and then a 10 feet buffer by code to the house unless attached. In order for Mr. Hawth to have a 20 feet wide garage, it would require 36 feet and Mr. Hawth only has approximately 30 feet.

Applicable section of the Village Zoning Code: **§200 Attachment 4 and 200-10.**

At 7:03 pm Member Joe Wolniewicz 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.

Member Joe Wolniewicz asked Mr. Hawth, to recap what he wanted to do and why he was seeking an Area Variance for setback. Mr. Hawth explained to the Zoning Board that he would like to build a garage on his property and were he would like to place it would require an area variance. Mr. Hawth acknowledges that he would have room on his lot towards the back of the property but he has a couple of different reasons for wanting to place it where he has proposed. One, he didn't want to put it behind his house due to he would then need to extend his driveway and lose valuable yard space where his kids play. Second, he stated that the house to

the west of his property is such an eyesore and is in such disrepair that placing his garage along the side of his house would improve his view. Mr. Hauth stated that he would like to do some woodworking and possibly work on his family's cars in the garage and doesn't feel he can go any smaller. He also went on to explain to the Zoning Board what materials he was planning on using. He did state though that the materials can be changed if the Zoning Board requires something different.

After much more discussion, some of the Zoning Members were still not comfortable with the proximity of the garage to the house. It was decided that perhaps if the garage was moved a little more to the westerly property line adding more space between the house and garage, they would be more apt to consider an area variance for setback.

Regarding the Zoning Board petition, the ZBA declared the SEQR for File #7915 a Type II requiring no further action.

At this time the Zoning Board 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 the applicant building within 3 feet of the side yard setback and having a 6 ½ feet buffer between the house and garage:

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 x No ___
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
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 an area variance will be given. The variance pertains to Section 200 Attachment 4 Section 10 of the Zoning Code. The variance request is approved with the stipulation that the applicant build with a 3 feet side setback allowing a minimum of a 6 1/2 feet buffer between the house and garage. It was this stipulation that the Zoning Board determined their approval on.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	NO VOTE
SUE OWEN	_____	_____	__x__
JOE WOLNIEWICZ	__x__	_____	_____
TIMOTHY O'NEAL	__x__	_____	_____
CHRISTY GREENE	__x__	_____	_____
DAVE GUADAGNA	__x__	_____	_____

Lastly, Member Joe Wolniewicz asked for a motion to approve the minutes from the November 2, 2016 meeting, Tim O'Neal made the motion, seconded by Christie Greene. All in favor, none opposed.

Lastly, at 8:12 p.m. Member Wolniewicz asked for a motion to adjourn the meeting. Christie Greene made the motion, seconded by Dave Guadagna. All in favor, none opposed.

Respectfully Submitted,

Kellie R. Grube