

Town of Shelby Zoning Board of Appeals
Public Hearing
Shelby Town hall
4062 Salt Works Rd
Medina, NY 14103
June 14, 2016

Board Members Present: Craig Lacy Chairman
 Patti Bushover Secretary
 Larry Szatkowski

Call to Order: Chairman Craig Lacy called the Public Hearing to order at 7:00 p.m.

Voice roll call was taken by P. Bushover. P. Bushover reported that there was a quorum present.

Others Present: Ron & Lorie Reigle 5374 Salt Works Rd Middleport, NY (applicants)

Old Business C. Lacy called for Old Business:

No old Business.

New Business: C. Lacy called for New Business:

First Order of New Business: Public Hearing for variance 16-03. A request of a variance of 39' front set back from Zoning Code 510 (E) for the addition of a porch.

Secretary P. Bushover read the Legal Notice (see attachment 1) which had been published in the *The Daily News* Batavia NY June 7, 2016

The ZBA Board Members had viewed the area and had received a site plan.

The board members reviewed the site and asked the applicants the reason the placement of the porch.

Applicants stated that that was the entrance to the house. Applicants also said that they had receive no negative comments from the neighbors.

Meeting was closed at 7:15

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: Ron & Lorie Reigle

Application No. AV- 16-03
Date of Application: 5-20-16
(Postmarked or Hand Delivered)
Date of Public Hearing: 6-14-16
Date notice Published: 6-7-16
Date of County Referral: N/A
Date of Final Action: 6-14-16
Date of Filing Decision with the
Municipal Clerk: 6-17-16

Appeal Concerns Property at the following address:

5374 Salt Works RD Middleport, NY

County Tax Map Section: 111 Block 1-22 Lot .21

Zoning District Classification: A/R

Requirements for which Variance is Requested: **75' FRONT SET-BACK FROM EDGE OF ROAD**

Applicable Section of Town Zoning Code: **510 (E)**

TEST: No area variance will be granted without a consideration by the board of the following factors:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: YES NO **X**
Reasons: **Addition will be in harmony with a a/r district. No nearby property.**
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: YES NO **X**
Reasons: **Neither the house or the road can be moved. Home entrance is on shortest distance from the road.**
3. Whether the requested variance is substantial: YES **X** NO
Reasons: **Area 50%**
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: YES NO **X**
Reasons: **See #1**
5. Whether the alleged difficulty was self-created: YES **X** NO
Reasons: **Applicants have owned property since 2000 and where aware of closeness to the road.**

DETERMINATIONS OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, find that:

_____ the benefit to the Applicant DOESNOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

___**X**___ the benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community

Reasons: Addition will allow applicants to enjoy their home without any effect on the neighborhood or environment.

The ZBA further finds that a variance of **39.5'** from Section **510 E** 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.

This will allow the applicant to complete the addition with no adverse effect to neighborhood or environment.

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impact upon the neighborhood or community, for the reasons following:

Condition No. 1: **All applicable building codes apply**

Adverse impact to be minimized: **Unsafe Construction**

Condition No. 2:

Adverse impact to be minimized:

Craig C. Lacy
Chairman, Zoning Board of Appeals

6-14-16
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	Craig Lacy	X	
Member	Patti Bushover	X	
Member	Larry Szatkowski	X	
Member	Thurston Dale		Excused
Member	Linda Fuller		Excused

LEGAL NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Shelby will conduct a Public Hearing on Tuesday June 14, 2016 at 7:00 p.m. at the Shelby Town Hall, 4062 Salt Works Road, Medina New York on the application of Lorie Reigle for an area variance from the requirements of Section 510 € of the Shelby Zoning Local Law relative to the property located at 5374 Salt Works Road Medina, New York. The applicant is seeking a 39' front setback variance for the addition of a front porch. The property is located in the Rural Agricultural District.

At such Public Hearing all persons, either for or against the same shall be heard.

Dated: May 27, 2016

Shelby Zoning Board of Appeals

Craig C. Lacy Chairman

Published June 7, 2016

The Daily News Batavia NY

Town of Shelby Zoning Board of Appeals
Board Meeting
Shelby Town hall
4062 Salt Works Rd
Medina, NY 14103
June 14, 2016

Board Members Present: Craig Lacy Chairman
 Patti Bushover Secretary
 Larry Szatkowski

Others Present: Ron & Lorie Reigle 5374 Salt Works RD Middleport, NY (Applicants)
Dan Wolfe Code Enforcement Officer Town of Shelby.

Call to Order: Chairman Craig Lacy called the Business Meeting to order at 7:16 p.m.
Voice roll call was taken by P Bushover. P Bushover reported that there was a quorum present.

Old Business: C. Lacy Called for Old business:
First Order of Old Business: No Old business.

New Business: C. Lacy Called for New business:

First Order of New Business: was to consider the application for variance 16-03
Submitted by: Lorie Reigle 5374 salt Works Rd Middleport, NY

C. Lacy asked the ZBA to consider the five factors and state their findings. (See Attachment #1)
Patti Bushover made a motion to grant the variance to allow the applicants to build a porch. Larry Szatkowski seconded the motion. The motion passed by a unanimous roll call vote.

Reasons being: it will cause no detriment to the health, safety, and welfare of the area. The ZBA farther finds, 39.5' set back from the Town Zone Code 510 (E) is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health and safety of the community.

No SEQAR was needed because this request is a Type 2, #12 variance request.

Second Order of New Business:

CO Dan Wolfe stated that was another variance 16-04 for Roger Wilkins 10999 Maple Ridge Rd Medina, NY for the placement of an Amish Style Shed.

The members decided hold the public hearing for V-16-04 on July 12, 2016.

A motion was made and seconded to adjourn the meeting at 7:45 p.m.

Next Meeting: JULY 12, 2016 For V-16-04

Respectfully Submitted

Patti Bushover Secretary ZBA

June 14, 2016 Variance 16-03