

Board Meeting  
Zoning Board of Appeals  
Shelby Town Hall  
4062 Salt Works Rd  
Medina, NY 14103  
April 6, 2021

ZBA Board Members Present: Craig Lacy (Via Zoom) Chairman  
Patti Bushover Secretary  
Larry Szatkowski  
Sharlene Pratt  
Marion Fry

**Others Present:** Dan Wolfe Code Enforcement Officer Town of Shelby, Miranda Bennett Town of Shelby Bookkeeper operating Zoom for meeting, Marvin Frey applicant and Mike Frey applicant son.

**Call to Order:** Chairman C. Lacy called the meeting to order at 6:15 p.m.  
Secretary P Bushover reported all ZBA members present.

**Call for Old Business:** Chairman Lacy called for old business no old business.

**Call for New Business:** Chairman Lacy called for new business

**First order** of new business was the concertation of the five factors for Var. 21-02

For Marvin Frey requesting a front set back variance for 45' for the placement of a 20' by 30, attached garage at 10233 West Shelby Rd Middleport, NY.

C. Lacy asked the ZBA to consider the five factors and state their findings. (See Att.1)

After considering the Five Factors C. Lacy called for a motion. Sharlene Pratt made a motion to grant the variance to allow the applicant to place a 20' by 30' attached garage at the purposed site 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. This is a type II SEQAR

Chairman Lacy called for more new business hearing none the meeting was adjourned at 6:38

Next meeting a Public Hearing for Variance 21-03

Respectively submitted

4/27/21

Patti Bushover

Secretary ZBA

ZONING BOARD OF APPEALS  
AREA VARIANCE FINDINGS & DECISION

**Applicant: Marvin Frey**

Application No. **AV-21-02**  
Date of Application: **2-24-21**  
(Postmarked or Hand Delivered)  
Date of Public Hearing: **4-6-21**  
Date notice Published: **3-28-21**  
Date of County Referral: **N/A**  
Date of Final Action: **4-6-21**  
Date of Filing Decision with the  
Municipal Clerk: **4-7-21**

**Appeal Concerns Property at the following address:**  
**10233 West Shelby Rd Middleport NY**  
**County Tax Map Section:111 Block: 1 Lot:3**  
**Zoning District Classification: Ag.Res**

Requirements for which Variance is Requested: **45 ft. from the 115 ft. required**  
Applicable Section of Town Zoning Code: **510 ( E ) Front Set Back**  
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: **Other properties have attached garages.**
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: YES NO **X**  
Reasons: **The house, the garage is to be attach to cannot be moved**
3. Whether the requested variance is substantial: YES NO **X**  
Reasons: **The requested 45' is less than 50% of the 115' requirement.**
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: YES NO **X**  
Reasons: **Same as #1**
5. Whether the alleged difficulty was self-created: YES **X** NO  
Reason: **Needs storages for his belongings**

**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: There will be no detriment to the neighborhood or community. This variance will allow construction of a 20' by 30, garage to add needed storage for the applicant**

The ZBA further finds that a variance of **45'** from **Section 500 ( 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. **The variance will allow applicant the extra storage and will not effect character of the neighborhood and health,safety and welfare of community.**

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  
Adverse impact to be minimized:

Condition No. 2  
Adverse impact to be minimized:

**Patricia Bushover** Date **04-06-21**  
**Secretary, Zoning Board of Appeals**

**RECORD OF VOTE**

	<b>MEMBER NAME</b>	<b>AYE</b>	<b>NAY</b>
<b>Chair</b>	<b>Craig Lacy (Via Zoom)</b>	<b>X</b>	
<b>Member</b>	<b>Patti Bushover</b>	<b>X</b>	
<b>Member</b>	<b>Larry Szatkowski</b>	<b>X</b>	
<b>Member</b>	<b>Sharlene Pratt</b>	<b>X</b>	
<b>Member</b>	<b>Marion Fry</b>	<b>X</b>	