

Board Meeting
Zoning Board of Appeals
Shelby Town Hall
4062 Salt Works Rd
Medina, NY 14103
April 28, 2021

ZBA Board Members Present: Patti Bushover Secretary
Larry Szatkowski
Sharlene Pratt
Marion Fry

Others Present: Dan Wolfe Code Enforcement Officer Town of Shelby

Call to Order: Sec. P. Bushover called the meeting to order at 2:00 p.m.
Secretary P Bushover reported Chairman C. Lacy was excused.

Call for Old Business: Sec. P. Bushover called for old business.

First Order of old business is the consideration of the five factors for Var. 21-03, for Phillip & Dawn Kepler requesting a 93' side setback for the construction of an Ag processing building (slaughter house) to located at 4500 South Gravel Rd Medina.

CEO D. Wolfe explained that the County Planning Board had no objections to the Ag. Processing building and their approval is based on the ZBA's approval of the side set back variance.

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

After considering the Five Factors P. Bushover called for a motion. Larry Szatkowski made a motion to grant the variance to allow the applicant to place an Ag Processing building (slaughter house) at the purposed site Marion Fry 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

Call for New Business: P. Bushover called for new business there is no new business

The meeting was adjourned at 2:20.

Respectively submitted
4/29/21
Patti Bushover
Secretary ZBA

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: Phillip & Dawn Keppler

**Appeal Concerns Property at the following address:
4500 S. Gravel Rd Medina
County Tax Map Section: 90 Block: 1 Lot:37.2
Zoning District Classification: Ag. Residential**

Application No. **AV-21-03**
Date of Application: **3-5-21**
(Postmarked or Hand Delivered)
Date of Public Hearing: **4-6-21**
Date notice Published: **3-28-21**
Date of County Referral: **4-22-21**
Date of Final Action: **4-28-21**
Date of Filing Decision with the
Municipal Clerk: **4-30-21**

Requirements for which Variance is Requested: **93 ft. from the 500 ft. required**

Applicable Section of Town Zoning Code: **701 (B) Side 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: **The operation will be regulated by the USDA, will have only one kill day and the applicant will landscape as allowed.**
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: YES NO **X**
Reasons: **The applicant needs water, natural gas and 3 phase electric which this location has**
3. Whether the requested variance is substantial: YES NO **X**
Reasons: **93' of the 500' required is less than 20%.**
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: **The applicant seeks to expand their Ag businesses**

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 an USDA regulated Ag Processing building.

The ZBA further finds that a variance of 93' from **Section 701 (B)** 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 to construct an USDA regulated Ag Processing building 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 **04-28-21**
Secretary, Zoning Board of Appeals

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	Craig Lacy		Excused
Member	Patti Bushover	X	
Member	Larry Szatkowski	X	
Member	Sharlene Pratt	X	
Member	Marion Fry	X	