

Board Meeting
Zoning Board of Appeals
Shelby Town Hall
4062 Salt Works Rd
Medina, NY 14103
June 1, 2021

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

Others Present: Dan Wolfe Code Enforcement Officer Town of Shelby, Francis Poirer Applicant, Jenna Prim 4399 Salt Works Rd Medina neighbor to the north.

Call to Order: Secretary P Bushover Called the meeting to order at 6:40, 4 ZBA members are present Chairman Lacy is excused, The ZBA has a quorum.

Call for Old Business: P. Bushover called for old business no old business.

Call for New Business: P. Bushover called for new business

First order of new business was the concertation of the five factors for Var. 21-05

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. Marion Fry made a motion to grant the variance to allow the applicant a 12' by 24' Storage Shed at the location requested 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

P. Bushover called for more new business hearing none the meeting was adjourned at 6:45

Next meeting as needed. Chairman Craig Lacy will inform the board members.

Respectively submitted

6-7-21

Patti Bushover
Secretary ZBA

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: Francis M. Poirer

Application No. **AV-21-05**

Appeal Concerns Property at the following address:
4409 Salt Works Rd Medina NY
County Tax Map Section: 90 Block: 1 Lot: 73
Zoning District Classification: Ag Res

Date of Application: **5-7-21**
(Postmarked or Hand Delivered)
Date of Public Hearing: **6-1-21**
Date notice Published: **5-23-21**
Date of County Referral: **N/A**
Date of Final Action: **6-1-21**
Date of Filing Decision with the
Municipal Clerk: **6-2-21**

Requirements for which Variance is Requested: **20 ft rear and 20 ft side require 18' rear setback and 18' side setback. The building will be 2 ft from the rear and back property line.**

Applicable Section of Town Zoning Code: **510**

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 property is an odd shaped lot and the septic takes up a large part of property. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: YES NO **X**
Reasons: **The area in which the sign will be placed is next to the driveway of the property and to move the sign would defeat the purpose of the sign.**
2. Whether the requested variance is substantial: YES **X** NO
Reasons: **The variance is 90% of the 20 ft required.**
3. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: YES NO **X**
Reasons: **See #1**
4. Whether the alleged difficulty was self-created: YES **X** NO
Reason: **Need of storage**

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: This storage shed will allow the property owner to store his items safety.

The ZBA further finds that a variance of **18 ft** from **Section 510** 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.

There will be no change in the character of the neighborhood and the health, safety and welfare will not be effected.

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 **06-01-21**

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	