

Board Meeting  
Zoning Board of Appeals  
Shelby Town Hall  
4062 Salt Works Rd  
Medina, NY 14103  
February 8, 2022

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

**Others Present:** Dan Wolfe Code Enforcement Officer Town of Shelby, Candy Koch Code Enforcement Clerk.

**Call to Order:** Secretary P. Bushover called the meeting to order at 2:15 p.m.

Four ZBA members present with Chairman C. Lacy being excused.

**Call for Old Business:** Secretary Bushover called for old business no old business.

**Call for New Business:** Secretary Bushover called for new business

**First order** of new business was the concertation of the five factors for Var. 22-01

For Brett Domoy requesting a front set back variance for 20' for the placement of a 70' by 150' storage building at 5174 Edwards Rd Medina NY.

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. Sharlene Pratt made a motion to grant the variance to allow the applicant to place a 70' by 150' storage building 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 SEQRA.

Secretary Bushover called for more new business hearing none the meeting was adjourned at 2:38 pm

Respectively submitted

2/17/22

Patti Bushover  
Secretary ZBA

ZONING BOARD OF APPEALS  
AREA VARIANCE FINDINGS & DECISION

**Applicant: Brett Domoy**

**Appeal Concerns Property at the following address:  
5174 Edwards Rd., Medina  
County Tax Map Section: 113 Block: 1 Lot: 6.21  
Zoning District Classification: Ag. Residential**

Application No. **AV-22-01**  
Date of Application: **1-7-22**  
(Postmarked or Hand Delivered)  
Date of Public Hearing: **2-8-22**  
Date notice Published: **1-30-22**  
Date of County Referral: **N/A**  
Date of Final Action: **2-8-22**  
Date of Filing Decision with the  
Municipal Clerk: **2-8-22**

Requirements for which Variance is Requested: **20 ft. front set back variance for the construction of a 70' by 150' storage building**  
Applicable Section of Town Zoning Code: **Secton 510 Paragraph E Spec.**

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: **This is an ag. area**
  
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: YES NO **X**  
Reasons: **The building cannot be moved back of a water line in back.**
  
3. Whether the requested variance is substantial: YES NO **X**  
Reasons: **20' of 75' is not substantial**
  
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: YES NO **X**  
Reasons: **No this an ag area and a working farm**
  
5. Whether the alleged difficulty was self-created: YES **X** NO  
Reason: **The need for more 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: 20' variance of 75' section 510 paragraph E will not harm the neighborhood or community**

The ZBA further finds that a variance of 20' from **Section 510 Paragraph 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.

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 **02-08-22**

**Secretary, Zoning Board of Appeals**

**RECORD OF VOTE**

	<b>MEMBER NAME</b>	<b>AYE</b>	<b>NAY</b>
<b>Chair</b>	<b>Craig Lacy</b>		<b>Excused</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>Marian Fry</b>	<b>X</b>	