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ZONING BOARD OF APPEALS

ALDEN TOWN HALL
3311 Wende Road
Alden, New York 14004

**Town of Alden
Zoning Board of Appeals**

ZBA VARIANCE HEARING DECISION 22-03

Date of Zoning Board of Appeals Meeting and Hearing: March 29, 2022
Meeting called to order at 7:00 pm by Chairwoman Galbraith.

In attendance: Susanne Galbraith, Chairwoman
Sarah Hinsken, Board Member
Jeff Kurek, Board Member
Mandy Szymanski, Board Member
Susan Schumacher, Secretary
Thomas Woelfle, Applicant
Mary Woelfle, Co-owner

Board Member Szymanski moved, and Board Member Hinsken seconded the motion to open the hearing.

Applicant: Thomas Woelfle
Address: 12793 Uebelhoer Road
Type of Variance Requested: Area Variance
Town Code: 365-20B
Description: Applicant is requesting to construct a pole building in front of the residence
Property Tax Map: 108.00-1-9.121
Street Location: 12793 Uebelhoer Road
Name of Property Owners: Thomas and Mary Woelfle

Mr. Woelfle advised that he is seeking to construct a pole building on the east side of their property in front of the house. Chairwoman Galbraith asked and received confirmation that the septic system is located on the west side of the house; and inquired about the possibility of locating the pole building at the end next to the existing garages. Mary Woelfle advised that she did not like the way it would look to place the pole building at the end of the existing garages. Mr. Woelfle advised that he proposed two options on a separate survey. These options were reviewed for the first time by the board, but both had the pole barn located in front of the residence, near the street. He also advised that windows would be located on the street side and the overhead door entry would be side loading. No paperwork was submitted to show the design and size of the proposed building, or landscaping and it was not disclosed until after the ruling that placing it next to the pre-existing garages would place it too close to the pond and well.

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According to Mr. Woelfle, the neighbors on either side had no objections to his request. Discussion was held regarding the fact that there are other homes on Uebelhoer Road with accessory buildings in the front yard.

Board Member Kurek moved, and Board Member Szymanski seconded the motion to adjourn the hearing at 7:05 p.m.

Chairwoman Galbraith reviewed the area variance criteria with full committee member agreement on the following:

1. An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the requested variance. Although it will be constructed and landscaped to complement the existing residence, an accessory structure may not be located in a primary front yard.
2. The benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance. The additional building could be constructed to the east of the existing garages, or in the rear.
3. The request is substantial. The pole barn will sit off the road, in accordance with the code, but will be situated substantially in front of the residence.
4. Approval will not have adverse effect or impact on the physical or environmental condition in the neighborhood or district. This pole barn construction will have no impact of this kind.
5. The difficulty is alleged self-created which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.
6. The approval of this variance will not create a hazard to health, safety, or general welfare. The proposed construction will not be hazardous; the only question on the variance is its location in front of the residence.

After due review of the area variance request by the above-named property owner, and in consideration of applicable codes and the criteria relative to the granting of area variances, the following resolution was offered by Board Member Szymanski and seconded by Board Member Kurek to wit:

So moved that the variance be approved.

The resolution was put to a roll call vote of the quorum of the Town of Alden Zoning Board of Appeals with the following result:

Chairwoman Galbraith – Disapprove	Member Kurek – Approve
Member Hinsken - Approve	Member Szymanski – Approve

The resolution did carry, and the area variance is approved.

