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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**

VARIANCE DECISION – ZBA HEARING 17-01

Date of Zoning Board of Appeals Hearing: February 28, 2017

Applicant(s): John Meiler
Address: 12418 Reinhardt Road

Type of Variance Requested: Use – Accessory Building Located In Front Yard
Town Code: Chapter 20, 21B.

Property Tax Map: 96.00-6-13
Street Location: 12418 Reinhardt Road
Name of Property Owners: John Meiler

Mr. Meiler explained that he lives on a small lot and only has limited space to place a shed. He is a contractor and needs it for storage. He also explained the shed is not fixed and planned to take the shed with him when he moves in 7-8 month. Meiler also produced a list with three signatures of neighbors who had no problem with the placement of the shed. Those in attendance had a different point of view. The Shed was originally built as a gazebo which Mr. Meiler enclosed into a shed. He did not obtain a building permit for either structure. The owner knew the small lot restrictions when he purchased the property. Other solutions, such as renting a storage unit, or purchasing adjoining land were suggested options. The following resolution was offered by Chairperson Galbraith and seconded by Zoning Board of Appeals Member Szymanski to wit:

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:

Member Dalusio - absent
Member Whittingham – disapprove
So moved that the variance be disapproved.

Member Hinsken - disapprove
Member Szymanski – disapprove

Fleming Variance 16-01 Non-Compliance

Property Tax Map: 108.00-4-30

Street Location: 12560 Main Street Alden, NY 14004
Name of Property Owners: Michael C. Fleming

Chairperson Galbraith revisited variance 16-01. Mike Fleming appeared before our board on a variance request on February 9, 2016. The variance was to re-locate an existing barn in front of a re-located house at 12560 W. Main St. in violation of code 20-21 B. A similar variance was approved in 2005.

On February 9, 2016 the variance 16-01 was approved with the following stipulations: to apply for a building permit, start the project within 6 (six) months, complete the project within one (1) year, have a foundation inspection and comply with Building Code Officer's requests have not been met. To date no action has been taken by Mr. Fleming to move forward as stipulated.

Motion by Member Whittingham and seconded by Member Hinsken to consider the variance null and void for failure to meet deadline and is currently non-compliant with variance.

Motion by Member Szymanski and seconded by Member Whittingham to notify CEO Snyder of the current situation regarding the Fleming variance.

The resolution did carry and the use variance is disapproved.

cc: D. Crist, Town Clerk
C. Snyder, Code Enforcement Officer
R. Savage, Supervisor
C. Pautler, Councilwoman
R. Witt, Councilman
ZBA Members & Secretary
Planning Board