

ZBA
May 26, 2016

TOWN OF NEWSTEAD - ZONING BOARD MINUTES
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY
May 26, 2016

MEMBERS

PRESENT: Bill Kaufman, Chairman
Harold Finger
Adam Burg
John Klodzinski
Fred Pask

APPROVED 9/25/2016

Alternate: Max Brady, Alternate
Other: Julie Brady, Recording Secretary

Meeting was called to order at 6:30pm followed by the pledge to the flag.

Bill K. reviewed the procedures. Julie B. read the legal notice for the variance request as follows:

Requesting an area variance to build a front porch 24 feet from the right-of-way instead of the required 65 feet on a county road at 13881 Bloomingdale Rd., owned by William Budziszewski.
Town Code varied: Article IV. Chapter 450-29 A (2)

Public hearing was open for comments at 6:33pm.

William Budziszewski, 13881 Bloomingdale, explained that he had to tear off the old porch in order to put a foundation under the house and did not replace the porch due to financial reasons at that time, but would like to now.

Bill K. asked the dimensions of the old and new porch. Mr. Budziszewski stated 6x12'. He would be replacing what was there. The insurance company is requiring him to have an entrance/steps to the front door.

Harold F. asked how many entrances he has to the house at this time. Mr Budziszewski said he has one in the back, one on the side and one out front. Harold F. asked if the primary use of the front porch he is requesting is for egress because he could put stairs at the front door and a porch at one of the other doors.

John K. asked if the front porch of the neighbor's house was closer to the road than where his porch would be? Mr. Budziszewski said it would be about the same.

Julie B. stated that his neighbor, Dan David said that he had no problem with where he wants to put the porch.

Fred P. asked why he didn't rebuild right away. Mr. Budziszewski stated he didn't have the money.

Bill K. asked three times if anyone else would like to speak. Hearing none, Harold F. motioned to close the public hearing, seconded by Fred P. All Ayes.

The board discussed the issue of widening the road, that zoning laws have changed, other options instead of a full porch, and that the Zoning Board of Appeals has voted on other projects to be closer to the right-of-way due to staying in line with the neighborhood.

The Review sheet was completed as follows:

1. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance.
AB (Y) JK (Y) WK (Y) HF (Y) FP(Y) Overall - (Yes - Fail)
REASON: Smaller size, awning, different location for a porch with just a step out front.

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2. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
AB (N) JK (N) WK (N) HF (N) FP (N) Overall – (NO - Pass)
REASON: Other homes in this area have porches that are close to the road.
3. Whether the requested area variance is substantial.
AB (Y) JK (Y) WK (Y) HF (Y) FP(Y) Overall – (Yes – Fail)
REASON: The code requires 65 feet, requesting only 24 feet setback.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
AB (N) JK (N) WK (N) HF (N) FP(N) Overall – (No-Pass)
REASON: No site obstruction. The porch would improve the look of the house.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude granting of the area variance.
AB (N) JK (N) WK (N) HF (N) FP(Y) Overall – (NO - Pass)
REASON: Not self-created, financial hardship and history of the area, built prior to code. FP: too large of a request, he has other options

A motion was made by John K. to approve the variance. Seconded by Harold F. The Zoning Board was polled to approve this variance as follows:
Bill K. –Yes, Fred P. – No, John K. – Yes, Harold F. – Yes, Adam B.- No Variance request was approved by majority.

Minutes of the March 24, 2016 meeting were discussed and a motion was made by Adam B., seconded by Bill K to approve the minutes as is. All Ayes, No nays.

Bill K. and Adam B. will be attending the upcoming training in Albion.

A motion was made to close the meeting at 7:08pm by Harold F., seconded by Adam B. All Ayes.

Meeting adjourned.

Respectfully submitted,
Julie Brady, Recording Clerk