

**Zoning Board of Appeals Meeting**  
**Reid Petroleum Corp, DBA Crosby's**

**13285 Broadway**

**108.19-7-1.1**

**November 15, 2022**

The Zoning Board meeting was called to order by Member Brian Schumacher at 6:40 pm.

**Present:** Brian Schumacher, Herb Schmidt, Charlie Gaffney, Tom Kirszenstein, Joe Trapp, Esq., CEO Czechowski, Dave Metz, Mayor Prucnal, Mike Mahar, Reid Petroleum, and Peter Sorgi, Esq.

**Absent:** Chairman Michael DeWitt,

The purpose of this public hearing: proposed storage shed with a three (3) foot rear yard setback and a three (3) feet side yard setback. Per Section 210-20D of the Village Code, structures require a minimum setback of thirty (30) feet from a side and rear yard that abut an R-District. The proposed location would be twenty seven (27) feet less than the required setbacks.

**MOTION** by Tom Kirszenstein, seconded by Charlie Gaffney, to enter into the Public Hearing. Carried.

At this point Member Schumacher opened the Public Hearing to the audience

Mike Mahar: We have been upgrading and modernizing the current location: new fence, parking lot paved, remodeled to better serve the community. It is a small store and lacks storage space. We chose a smaller shed (8x10) as opposed to 10x12. We also have a small lot with no other place to put it. The existing shed is non-conforming.

Erie County Planning has no recommendations.

**MOTION** by Tom Kirszenstein, seconded by Charlie Gaffney to close the Public Hearing. 6:45 pm Carried.

At this time Member Schumacher proceeded to review the six criteria for the requested area Variance for the required front and side yard setback.

1. 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 requested area variance?

NO – The shed would be in line with other sheds in the neighborhood.

2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance?

NO – There is limited room to place a shed on the property.

3. Whether the requested area variance is substantial

Numerically yes, it is a request for 25 feet less than required, but the 5 foot setback requested is in line with other sheds in the area.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district

No, in line with the neighborhood

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 the granting of the area variance?

Yes, self-created

6. Whether it will create a hazard to health, safety, or general welfare?

No, it is the same as other residential sheds on neighboring properties, and is small in size/height.

**MOTION** by Tom Kirszenstein and seconded by Charlie Gaffney, to grant the requested variance,

**Roll call vote:** Member Schmidt – aye  
Member Kirszenstein – aye  
Member Gaffney- aye  
Member Schumacher – aye  
Member DeWitt – absent, 4 ayes, 1 nay  
Carried. 6:50 pm.

Motion by Charlie Gaffney and seconded by Tom Kirszenstein, to adjourn the meeting 7:35 pm.

Respectfully submitted,

Sue Galbraith, ZBA Secretary