

Zoning Board of Appeals Meeting
Jeff Erny, 1442 Kellogg St. SBL #108.19-5-13

June 16, 2020

The Zoning Board meeting was called to order by Chairman Mike DeWitt at 6:30 pm.

Present: Michael DeWitt, Herbert Schmidt III, Tom Kirszenstein, Brian Schumacher, CEO Czechowski, Mark Casell, Jeff Erny.

Absent: Charlie Gaffney,

The purpose of this public hearing: There are three variances being addressed at this meeting.

#1) Erect an addition that would result in a side-yard setback of 1.5 feet, in contradiction of the code requirements that the minimum side-yard setback must be a minimum of 3.00 feet.

#2) Erect an addition that would result in a total rear-yard coverage area of 586.80 square feet, in contradiction of the code requirements that the total rear-yard coverage area for this lot shall not exceed 377.90 square feet.

#3) Erect an addition that would result in a total accessory structure covering area of 540.00 square feet, in contradiction of the code requirements that the maximum accessory structure coverage area for this lot cannot exceed 302.30 square feet.

At this point Chairman DeWitt opened the Public Hearing to the audience.

Jeff Erny this is his second appearance before this board, this time with new modifications. (He appeared 3-17-2020). His original variance was for .09 ft set back but has been in re-vised to 1.5 feet. He has also shorted the overhang, as it is a new construction, it will be sturdier.

The other two variances changes are: a total rear-yard coverage of 601.02 square feet is now 586.80 and a total accessory structure covering area of 317.98, now 540 feet

MOTION by Brian Schumacher, seconded by Tom Kirszenstein to close the Public Hearing. Carried.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance for the required set back.

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 new construction will be more appealing.**

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, due to design of lot.**
3. Whether the requested area variance is substantial? **No.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No.**
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? **No, lot existed before code.**
6. Whether it will create a hazard to health, safety, or general welfare? **No.**

MOTION by Tom Kirszenstein and seconded by Brain Schumacher, to grant this variance, Unanimous, Carried.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance for the structure coverage.

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.
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.**
3. Whether the requested area variance is substantial? **No, less than original**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No.**
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? **Can go either way, wants to improve property.**
6. Whether it will create a hazard to health, safety, or general welfare? **No.**

MOTION by Tom Kirszenstein and seconded by Brain Schumacher, to grant this variance, Unanimous, Carried.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance for the yard coverage.

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,
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.**
3. Whether the requested area variance is substantial? **No.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No.**

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? **No.**
6. Whether it will create a hazard to health, safety, or general welfare? **No.**

MOTION by Tom Kirszenstein and seconded by Brain Schumacher, to grant this variance, Unanimous, Carried.

MOTION by Tom Kirszenstein and seconded by Brain Schumacher, to adjourn the meeting, Unanimous, Carried. 6:40 pm.

Respectfully submitted,

Sue Galbraith, ZBA Secretary