

ZONING BOARD OF APPEALS MEETING
January 20, 2015
Patrick Cavanaugh, 1185 Exchange St. SBL #119.07-5-16

The Zoning Board meeting was called to order by Chairman Mike DeWitt at 6:30 PM. Chairman DeWitt explained the procedure of the meeting to the audience.

PRESENT: Chairman DeWitt, Members: Dumke, Kirszenstein, Gaffney, and Schumacher, CEO Czechowski, Patrick Cavanaugh, Mark Marino and Mayor Michael Manicki

The purpose of this public hearing: Patrick Cavanaugh, 1185 Exchange St. issued a building permit (#8-57-13) to erect a pole barn in the rear of the property. This permit was issued with the stipulation that removal of a portion of the existing storage shed approx. 81.20sq.ft. would be removed. The application leaving the existing shed, caused a 78.35 sq. ft. excess, in violation of Village Code section 210-27C(2).

At this point Chairman DeWitt opened the Public Hearing to the audience. Mr. Cavanaugh had nothing to add to the hearing.

CEO Czechowski noted that the Erie County Planning Board has been consulted and they had no objections or comments on the subject.

Mayor Manicki once again spoke on behalf of the Village Board, as the same criterion applies to this hearing as it did the previous. Feeling the code is inadequate as written, the board is addressing the need for revisions, which if already in place would have caused this hearing to be unnecessary.

MOTION by Robert Dumke, seconded by Brian Schumacher, to close the public hearing. Carried

At this time Chairman DeWitt proceeded to review the six criteria for the requested variance.

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, it is in line with other buildings in the area.**
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, not without spending a lot of money.**
3. Whether the requested area variance is substantial? **No. it is only 81.20 sq. ft. over, which is less than the previous hearing, which was approved.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? **No, it is in line with other buildings in the area.**

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? **Technically, yes it is, as the applicant agreed to remove the offending portion of the existing building.**

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

With a criteria of 5 no and 1 yes.

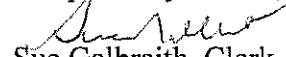
MOTION by Brian Schumacher, seconded by Charlie Gaffney, to grant requested variance. Unanimous, Carried.

CEO Czechowski passed out a list of possible meeting dates, if needed.

CEO Czechowski informed the board of the Planning Board agenda the following evening. They will review a proposed 20 patio home plan on West Main St. It is proposed for the 3.1 acres across from St. Aidan's. Rezoning issues need to be reviewed. These homes which would be addressed as condo status, 2 BR, 15-18,000 sq. feet are to sell for \$199,000. The Planning Board will review and make recommendations to the Village Board.

MOTION to adjourn by Robert Dumke and 2nd by Charles Gaffney. 6:42 pm

I respectfully submit,



Sue Galbraith, Clerk

Zoning Board of Appeals

ZONING BOARD OF APPEALS MEETING
January 20, 2015
Stephen DeGlopper, 941 Exchange St. SBL #119.11-3-7.2

The Zoning Board meeting was called to order by Chairman Mike DeWitt at 6:30 PM. Chairman DeWitt explained the procedure of the meeting to the audience.

PRESENT: Chairman DeWitt, Members: Dumke, Kirszenstein, Gaffney, and Schumacher, CEO Czechowski, Attorney Jennifer Strong, Lisa and Stephen DeGlopper, Patrick Cavanaugh, Mark Marino and Mayor Michael Manicki

The purpose of this public hearing: Stephen DeGlopper, 941 Exchange St. issued a building permit (#6-48-14) to erect an addition to an existing garage. The application modified in July adding a 12'x24' overhang. The additional change was acceptable as an open structure, but was enclosed causing a 135.25 sq. ft. exceeding the amount allotted by Village Code, in violation of Village Code section 210-27C(2).

At this point Chairman DeWitt opened the Public Hearing to the audience. Attorney Strong addressed the board for her clients. The addition was constructed by a family member, not realizing the violation caused by enclosing the overhang. Strong sees no adverse effect caused by enclosing this section.

Mayor Manicki, who was present, explained he had been asked by the CEO to attend the hearings as some of the code is under review by the Village Board. Feeling the code is inadequate as written, the board is addressing the need for revisions, which if already in place would have caused this hearing to be unnecessary.

CEO Czechowski passed out the proposed code changes.

CEO Czechowski noted that the Erie County Planning Board has been consulted and they had no objections or comments on the subject.

MOTION by Tom Kirszenstein, seconded by Robert Dumke, to close the public hearing. Carried

At this time Chairman DeWitt proceeded to review the six criteria for the requested variance.

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**, it is in line with other buildings in the area.
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, not feasible, not financially reasonable.**
3. Whether the requested area variance is substantial? **No. it is only 135.25 ft. over.**

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? **No**, it is in line with other buildings in the area.

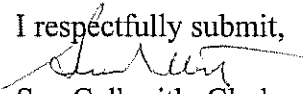
5. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance? **Technically, yes it is, as it was built different from the approved plans.**

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

With a criteria of 5 no and 1 yes.

MOTION by Tom Kirszenstein, seconded by Charlie Gaffney, to grant requested variance. Unanimous, Carried.

The board then convened to the second hearing for the evening

I respectfully submit,

Sue Galbraith, Clerk
Zoning Board of Appeals