Unapproved minutes filed with
Town Clerk 5/16/17
Minutes Approved 6/14/17
Distributed 6/14/17

May 10, 2017

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Members Present: A. Yusick, D. Maglich, T. Spada, N. Manges, V. Gugliuzza

Members Absent:

Also Present: P. Ryerse, Building Inspector

Mr. Yusick opened the meeting with a quorum at 6:30pm. The meeting was held in the Municipal Building Court room, 8787 Erie Road, Angola, New York 14006.

Mr. Yusick explained the procedure in which the meeting will be conducted. The procedures are that old business matters are heard first and then appeals are heard according to the order of publication in The Dunkirk Observer. The staff report prepared by the building inspector is read. The board has had your file for a week. We have had an opportunity to review your appeal. The appellant is then given the opportunity to speak, and then those in favor or in opposition are allowed to speak. After hearing the respective matters, the Board will either vote or reserve the right pursuant to our local statue to adjourn to executive session to deliberate. Motions granting and rejecting appeals are voted upon in the public portion of the meeting.

Mr. Yusick asked for a motion to approve the minutes from April 12, 2017.

Mr. Gugliuzza made a motion to approve the April 12, 2017 minutes, Mr. Maglich seconded. All in favor, motion carried.

RECEIVED
JUN 15 2017
TOWN CLERK
TOWN OF EVANS

NEW BUSINESS:

Pioneer Camp and Retreat Center 9324 Lake Shore Rd. Angola, New York 14006, to demolish and erect new cabins at the above SBL # 250.07-1-2.1 and in violation of the Town of Evans Zoning Law section 200-19 C (2) front yard setback and section 200-19 C (7) (b) distance to residential property line.

Mr. Yusick stated that through a glitch the 239M request was not sent to the County and until the board gets that back from the County; they cannot discus the variance request. Mr. Yusick asked that Town Attorney Jennifer Farrell be present. Attorneys Jay Pohlman and Corey Auerbach discussed with the board the court order and procedure going forward. The board and both attorneys agreed that the variance request be tabled until the July ZBA meeting.

Mr. Yusick made a motion to table the variance until the July ZBA meeting, seconded by Mr. Maglich.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Ms. Manges, aye
Mr. Maglich, aye
Mr. Gugliuzza, aye

Victor Liberatore, 9073 Lake Shore Rd. Angola, NY 14006, requesting to decrease the side yard setback for a detached garage at the above SBL # 236.00-2-12.2 in violation of the Town of Evans Zoning Law 200-10 C (2) (a) [2]. Reduce the front yard setback in violation of the Town of Evans Zoning Law, 200-10 A (4).

APPLICANT IS REQUESTING TO REDUCE THE REQUIRED SIDE YARD SETBACK FROM 5 FEET TO 2.20 FEET AND REQUESTING THE REDUCE THE FRONT YARD SETBACK ON RIEHL AVE FROM 40 FEET TO 18 FEET.

Present for the appeal was Victor Liberatore and attorney Mark Romanowski.

Mr. Romanowski spoke on behalf of Mr. Liberatore. He understands that zoning boards generally don't like to deal with a variance request after the fact. This is a matter of inadvertence when it comes to constructing a structure. He spoke of the garages in the surrounding area and forcing the applicant to demolish or reconstruct the structure for a 2.8 foot difference is unreasonable and much more detrimental to the applicant then the neighboring properties. Mr. Yusick stated that Mr. Romanowski wrote to the board to set forth his arguments and would like it marked as Exhibit A. Mr. Romanowski stated that Mr. Liberatore was replacing a preexisting garage and making it larger for his boat. During construction, there was miscommunication with his client about the distance between the structure and the property line rather than the distance between two structures and the building was constructed in the same location as the old garage. The old garage was about 2 ½ feet from the property line and not the 5 feet that was required by code. Mr. Yusick stated that the survey he received from the building inspector shows the old garage as being 4.62 feet from the property line. Mr. Romanowski stated the he and his client are aware of the old survey and that it was incorrect and he has photos of where the old foundation was and it was closer to the property line and the old and new foundations are basically in the same location. Owners in the area have garages that are close to the property lines and the neighbor's garage is about 2 ½ feet from the property line.

Against the variance:

Sharon Bilowus, 9073 Lake Shore Rd, she stated that she has her survey showing Mr. Liberatore's old garage being around 4 ½ feet from the property line. When she built her garage, she stayed within the footprint of her old garage and didn't do any concrete work. She stated that the board needs to enforce the zoning laws whether it was an honest mistake or intentional. She stated that the new garage is closer to the road. Mr. Yusick stated from the surveys he has looked at, the garage does not appear to be closer to the road. Ms. Spada asked to look at both surveys to see if there were any discrepancies and both show the garage as the same distance from the property line. Mr. Yusick stated that the new garage is not in the same footprint as the old garage. Mr. Romanowski stated that it isn't, it is actually set further back. Ms. Spada stated Mr. Romanowski claimed that the survey was wrong when in fact it isn't because the neighbor's survey shows the same distance. Mr. Romanowski stated that he can provide photographs.

Mark Fiels, 9069 Lake Shore Rd, stated he was in the same situation with his garage and he had to lower it because of 2 feet. Mr. Yusick asked if he was talking height restrictions. Mr. Fiels stated yes. Mr. Yusick asked why he is against the variance. Mr. Fiels stated that his concern is for the upstairs. If there is going to be water, then there is nothing stopping him from having people stay there.

Dawn Klavo, 9069 Lake Shore Rd, stated that when her garage was being built, the board's concern was that an apartment was going to be built upstairs. She would like to know what the intention is going to be for the upstairs. Mr. Romanowski stated that there is no intention to put living quarters upstairs and there are no plumbing or sewer connections.

Mr. Yusick made a motion to table the variance until next month's meeting to give the board time to view the property and to give Mr. Liberatore the opportunity to submit further evidence, seconded by Mr. Maglich.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Ms. Manges, aye
Mr. Maglich, aye
Mr. Gugliuzza, aye

Robert Senger 9582 Granger St. Angola, NY 14006, requesting to reduce the front yard setback at the above SBL # 250.11-5-24 for a roof structure in violation of Town of Evans Zoning Law 200-12 C (f) [1].

APPLICANT IS REQUESTING TO DECREASE THE REQUIRED FRONT YARD SETBACK FROM 25' TO 15.95' FOR THE CONSTRUCTION OF A ROOF STRUCTURE OVER EXISTING DECK. THE EXISTING DECK PERMIT WAS ISSUED PER SECTION 200-36, PROJECTIONS INTO YARD AND COURTS, ALLOWING AN OPEN PORCH TO EXTEND INTO A REQUIRED FRONT YARD 8 FEET.

Present for the appeal was Robert Senger.

Mr. Yusick asked if Mr. Senger was just putting a roof over the porch. Mr. Senger stated yes. Mr. Yusick asked if it would remain an open porch. Mr. Senger stated yes.

Mr. Yusick asked if the board has any questions and no one in the audience was there for or against this appeal.

Mr. Maglich made a motion to approve, seconded by Ms. Spada.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Ms. Manges, aye
Mr. Maglich, aye
Mr. Gugliuzza, aye

Richard Janik 9832 Shorecliff Rd. Angola, NY 14006, requesting to increase the size of an accessory structure at the above SBL # 249.20-1-24.1 for a private garage in violation of Town of Evans Zoning Law 200-17 A (4).

APPLICANT IS REQUESTING TO INCREASE THE SIZE OF AN ACCESSORY STRUCTURE ALLOWED IN SECTION 200-17 A (4) OF THE TOWN OF EVANS ZONING LAW FROM 900 SQUARE FEET TO 1,260 SQUARE FEET TO BUILD A NEW GARAGE. THE PROPERTY HAS AN EXISTING GARAGE. THE APPLICANT WOULD LIKE TO DEMOLISH THE EXISTING GARAGE AND REPLACE IT WITH A NEW 1,260 SQUARE FOOT GARAGE.

Present for the appeal was Richard Janik.

Mr. Yusick asked the reason for the garage. Mr. Senger stated that he just retired and wants to work on his hobby which is working on older vehicles. Mr. Yusick questioned the size of garage and stated that there aren't a lot of 900 square feet or larger garages in the Shore Meadows area and its not keeping with the neighborhood and the garage would sit by itself on the lot but it is legal because it ties in with a parcel across the street. Mr. Gugliuzza asked about the condition of the existing garage. Mr. Senger stated that the current garage is in poor condition. The current garage is 24 feet x 26 feet and the lot is 77 feet wide which is a narrow lot. Mr Maglich stated that the board has granted variances for large buildings in the past but it has always been on large acreage.

Mr. Yusick made a motion to deny, seconded by Mr. Maglich.
Mr. Gugliuzza voted in favor of the petition because of the condition of the current garage.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Ms. Manges, aye
Mr. Maglich, aye
Mr. Gugliuzza, nay

Richard Janik 931 Lake St. Angola, NY 14006, requesting to increase the size of an accessory structure at above SBL # 235.18-2-6 for a private garage in violation of Town of Evans Zoning Laws 200-17 A (4).

APPLICANT IS REQUESTING TO INCREASE THE SIZE OF AN ACCESSORY STRUCTURE ALLOWED IN SECTION 200-17 A (4) OF THE TOWN OF EVANS ZONING LAW FROM 900 SQUARE FEET TO 1,280 SQUARE FEET TO BUILD A PRIVATE GARAGE. THE PROPERTY HAS AN EXISTING GARAGE. THE APPLICANT WOULD LIKE TO DEMOLISH THE EXISTING GARAGE AND REPLACE IT WITH A NEW 1,280 SQUARE FOOT GARAGE.

Present for the appeal was Richard Janik.

Mr. Yusick stated that the property is next to the village and except for an old barn next to Mr. Janik's property, he doesn't know of any large buildings in the neighborhood especially in the village and a large garage is not keeping with the neighborhood. Mr. Maglich stated that it is also on a small lot.

Mr. Yusick made a motion to deny based on the property being a small lot, it wouldn't keep up with the neighborhood and going from 900 square feet to 1,280 square feet is a substantial variance, seconded by Mr. Maglich.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Ms. Manges, aye
Mr. Maglich, aye
Mr. Gugliuzza, aye

Julie Murtha, 1445 Burns Rd. Angola, NY 14006, requesting to reduce the front yard set back at the above SBL # 221.00-4-25 for an addition to existing home in violation of the Town of Evans Zoning Law 200-8.2 C (8) (b) [3].

APPLICANT IS REQUESTING TO REDUCE THE REQUIRED FRONT YARD SETBACK FROM 60 FEET TO 44 FEET FOR THE CONSTRUCTION OF AN ADDITION. EXISTING GARAGE STRUCTIURE LOCATION WAS PREVIOUSLY APPROVED BY THE ZONING BOARD OF APPEALS IN 1992. THE EXISTING GARAGE STRUCTURE IS 19.66' FROM THE FRONT LINE. THE NEW ADDITION WILL BE 44' FROM THE FRONT LINE.

Present for the appeal was Julie Murtha.

Mr. Yusick asked Mr. Ryerse if the addition was going to be flush with the front of the house and not the garage. Mr. Ryerse stated yes.

Mr. Yusick asked if the board has any questions and no one in the audience was there for or against this appeal.

Ms. Spada made a motion to approve, seconded by Mr. Gugliuzza.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Ms. Manges, aye
Mr. Maglich, aye
Mr. Gugliuzza, aye

John Trybuskiewicz 205 Kennedy Ave. Angola, NY 14006, requesting to reduce the required rear yard setback in violation of the Town of Evans Zoning Law 200-12 C (f) [3], and reduce the side yard setback in violation of Town of Evans Zoning Law 200-12 C (f) [4]. At the above SBL # 250.09-2-41 in order to replace an existing dilapidated structure.

APPLICANT IS REQUESTING TO REDUCE THE REAR YARD SETBACK FROM 35' TO 2.21' AND REDUCE THE SIDE YARD SETBACK ON THE EAST SIDE FROM 5' TO 2.74'. APPLICANT IS PLANNING ON DEMOLISHING THE EXISTING DWELLING AND CONSTRUCTING A NEW TWO (2) STORY SINGLE FAMILY DWELLING IN THE SAME LOCATION.

Present for the appeal was John Trybuskiewicz.

Mr. Yusick asked if there was an existing building on the property. Mr. Trybuskiewicz stated yes a house from the 1800s. Mr. Yusick stated from the photographs it looks like it is in poor condition. Mr. Yusick asked Mr. Trybuskiewicz if he was building a new home on the same footprint. Mr. Trybuskiewicz stated that yes on 2/3 of it. The front of the house will stay.

Mr. Yusick asked if the board has any questions and no one in the audience was there for or against this appeal.

Ms. Spada made a motion to approve, seconded by Mr. Maglich.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Ms. Manges, aye
Mr. Maglich, aye
Mr. Gugliuzza, aye

Hildegarde Hoch, 7941 Dennis Rd Angola, NY 14006, requesting to reduce the required size of a lot in violation of Town of Evans Zoning Law 200-9 C (1) (a). For a minor subdivision. New lot created will be on Lake Shore Rd.

APPLICANT IS REQUESTING TO REDUCE THE MINIMUM SIZE LOT ALLOWED IN SECTION 200-9 (1) (A) OF THE TOWN OF EVANS ZONING LAW FROM 1 ACRE TO .80 ACRE. THE PROPERTY HAS FRONTAGE ON LAKE SHORE ROAD AND DENNIS ROAD. THE APPLICANT WOULD LIKE TO SPLIT OFF THE .80 ACRE, HAVING THE SAME REAR LOT LINE AS THE ADJACENT PARCELS OF LAND ALONG LAKE SHORE ROAD.

Present for the appeal was Hildegarde Hoch.

Against the variance:

Debbie Nice, 7917 Lake Shore Rd, brought in her survey and questioned the size of the property and thinks the survey for Ms. Hoch's property goes onto her property. Ms. Spada read the two surveys and explained that the two surveys were right and it doesn't overlap. Ms. Nice questioned if a house can be built on wetlands. Mr. Yusick stated that the board doesn't make determinations on wetlands and the building inspector would address that at some point if someone came in for a building permit. Ms. Hoch stated that that particular lot is not wetlands. Ms. Nice was concerned that a road was being constructed on that lot. Ms. Hoch stated that her intention is to subdivide the lot and sell it to someone that may put a home there.

Robin Colvin, 7905 Lake Shore Rd, was concerned that a road was being constructed leading to an apartment complex. Ms. Spada explained that the lot is only .80 acres and the only thing that would be allowed is a house.

Joseph Nelson, 7875 Lake Shore Rd, wanted the definition of a minor subdivision. Ms. Hoch stated that it is the term used to divide from the acreage. Ms. Spada stated that it is under four lots so it is considered a minor subdivision.

Joseph Nelson, Jr, 7827 Lake Shore Rd

Ms. Spada made a motion to approve, seconded by Ms. Manges.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Ms. Manges, aye
Mr. Maglich, aye
Mr. Gugliuzza, aye

Mr. Yusick made a motion to adjourn to the next scheduled meeting, seconded by Ms. Spada.

All in favor:
Vote: Mr. Yusick, aye
Ms. Spada, aye
Ms. Manges, aye
Mr. Maglich, aye
Mr. Gugliuzza, aye

Respectfully Submitted,

Jennifer Renaldo

HSR

RECEIVED
APR 10 2017
Building Department

April 4, 2017

VIA HAND DELIVERY

Town of Evans Zoning Board of Appeals
8787 Erie Road
Angola, NY 14006

Re: Area Variance Application for Victor Liberatore
9073 Lake Shore Road, Angola, New York
Parcel ID No.: 234.16-1-24

Ladies and Gentlemen:

On behalf of Victor Liberatore (the "Applicant"), we are submitting this Letter of Intent seeking an Area Variance for the location of the new garage constructed on his property (the "Project") at 9073 Lake Shore Road (the "Site") in the Village of Angola (the "Village"), located in the Town of Evans (the "Town"). The Town of Evans Code (the "Code") requires a side yard setback of 5', and the existing setback ranges from 2.54' to 2.20'.

EXHIBITS

Exhibit "A" - Site Survey

Exhibit "B" - Area Variance Application Form

Exhibit "C" - Building Permit

Exhibit "D" - Stop Work Order dated February 10, 2017

Exhibit "E" - Photographs of New Garage

Exhibit "F" - Photographs of Neighbors' Structures

The Area Variance application fee ($100) is enclosed with the original application package.

HOPKINS SORGI & ROMANOWSKI PLLC
Attorneys at Law
26 Mississippi Street, Suite 400 ▲ Buffalo, NY 14203
Office: 716-714-5699 ▲ Fax: 716-424-2171 ▲ www.hsr-legal.com

Exhibit A

I. PROJECT DETAILS

Applicant:	Victor Liberatore 9073 Lake Shore Road Angola, New York 14006
Local Contact:	Marc A. Romanowski, Esq. Hopkins Sorgi & Romanowski PLLC 26 Mississippi Street, Suite 400 Buffalo, New York 14203 (716) 427-7100
Project Location:	9073 Lake Shore Road Angola, New York 14006
Parcel ID No.:	234.16-1-24
Landowner:	Victor Liberatore
Zoning District:	Residential District 1 (R-1)

II. PROJECT DESCRIPTION

The Project involves a 768 square foot detached garage located at 9073 Lake Shore Road. The garage was constructed to replace a garage located in the same spot on the Site that the Applicant demolished. We represent the Applicant with respect to the stop work order he received in violation of the required sideyard setback. The new garage is located no closer to the Riehl Avenue property line or the West property line than the previous garage. The northwestern corner of the new structure is located 2.54' east of the West property line and the southwestern corner is located 2.20' east of the West property line, as is shown on the Site Survey (see **Exhibit "A"**). The Town of Evans Zoning Code (the "Code") requires a minimum of 5' from the building to the property line (§ 200-10(C)(2)(a)(2)). We are requesting a variance from this requirement, as the new garage was mistakenly built in the same location as the former garage.

III. CODE ANALYSIS

The applicable provisions of the Town of Evans Code (the "Code") are cited in the analysis provided below.

A. Appeals for Variance (§200-44(C)(2))

(a) On an appeal from an order, requirement, decision or determination of any administrative official charged with the enforcement of this chapter or other regulations adopted pursuant to the Town Law where it is alleged by the appellant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict application of any provision of this chapter or regulation, the Board may grant a

variance in the strict application of such provisions, provided that all the following findings are made:

> *[1] There are unique circumstances or conditions peculiar to the particular property and the practical difficulties or unnecessary hardship is created by the provisions of this chapter or regulation in the zoning district in which the property is located.*

RESPONSE: The Applicant mistakenly believed he could build the new garage in the same location as the old garage. An unnecessary hardship would be created by forcing the Applicant to remove the new garage and build a new one 5' from the property line.

> *[2] Such circumstances or conditions are such that the strict application of the provisions of this chapter or regulation would deprive the applicant of the reasonable use of the property, and the granting of the variance is therefore necessary to realize a reasonable use of the property.*

RESPONSE: The new garage, which is approximately 24' x 32', was constructed to replace a smaller garage that was approximately 18' x 20' (see **Exhibit "E"**). The Applicant obtained a building permit for construction of the new garage and built it approximately the same distance from the West property line as the previous garage. Strict application of the 5' side yard requirement would deprive the Applicant of the reasonable use of the property as he would be forced to remove or relocate the new garage. The owners of the neighboring parcel to the West built a frame garage with a similar side yard setback, ranging from 2.66' to 2.69' west of the property line (see **Exhibit "A"**).

> *[3] The variance, if granted, will be in harmony with the general purpose and intent of this chapter or regulation and will not be injurious to the neighborhood or impair the appropriate use or development of adjacent property and will not be detrimental to the public welfare.*

RESPONSE: The variance will be in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or impair the appropriate use or development of adjacent property. A frame garage is already in existence on the adjacent property, located approximately the same distance west of the property line as the Applicant's garage east of the property line. The Applicant's new garage is in keeping with the character of the neighborhood and is an improvement to the property and neighborhood. As the attached photographs demonstrate, there are numerous similarly situated garages in the neighborhood (see **Exhibit "F"**). The difference in distance from the property line between the required setback and the provided setback is not significant, as the required setback is 5' and the provided setback is 2.2'-2.59', which necessitates approximately a 2.5' variance.

> *[4] Such practical difficulties or unnecessary hardship is not self-created by any person having an interest in the property through disregard for or ignorance of*

the provisions of this chapter or regulation; provided, however, that where all other required findings are made, the purchase of property subject to a variance grant shall not itself constitute a self-created hardship.

RESPONSE: The Applicant did not have disregard for or ignorance of the Code. He built the new garage in approximately the same location as the previous one, misunderstanding the required setback for the new garage.

[5] Within the intent and purposes of this chapter or regulation, the variance, if granted, is the minimum variance necessary to afford relief.

RESPONSE: The granting of the requested area variance is the minimum variance necessary to afford relief. The new garage has already been built, and the variance is necessary in order for the Applicant to not be forced to remove the garage.

IV. STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA")

Article 8 of New York Environmental Conservation Law and 6 NYCRR Part 617 ("SEQRA") requires state and local government agencies to consider environmental impacts of proposed actions during discretionary decision-making. Actions or classes of actions identified in subdivision (c) of section 617.5 are not subject to review. Therefore, the Project is classified as a Type II Action as it will not have a significant adverse impact on the environment and is not subject to SEQRA review.

V. REFERRAL TO COUNTY PLANNING BOARD

New York General Municipal Law (GML 239-m) requires that certain types of projects, including rezoning, site plan approvals, and granting of area variances, be referred to the County Planning Board for review prior to local action. Since the Site is within 500 feet the Evans Town Park, referral to the County Planning Board is required for this Project.

VI. CONCLUSION

We respectfully request that the Board of Appeals grant the requested Site Plan Approval so that the Applicant can resume use of the new garage.

Should you have any questions about this application, please do not hesitate to contact us.

Thank you for your anticipated cooperation and courtesies.

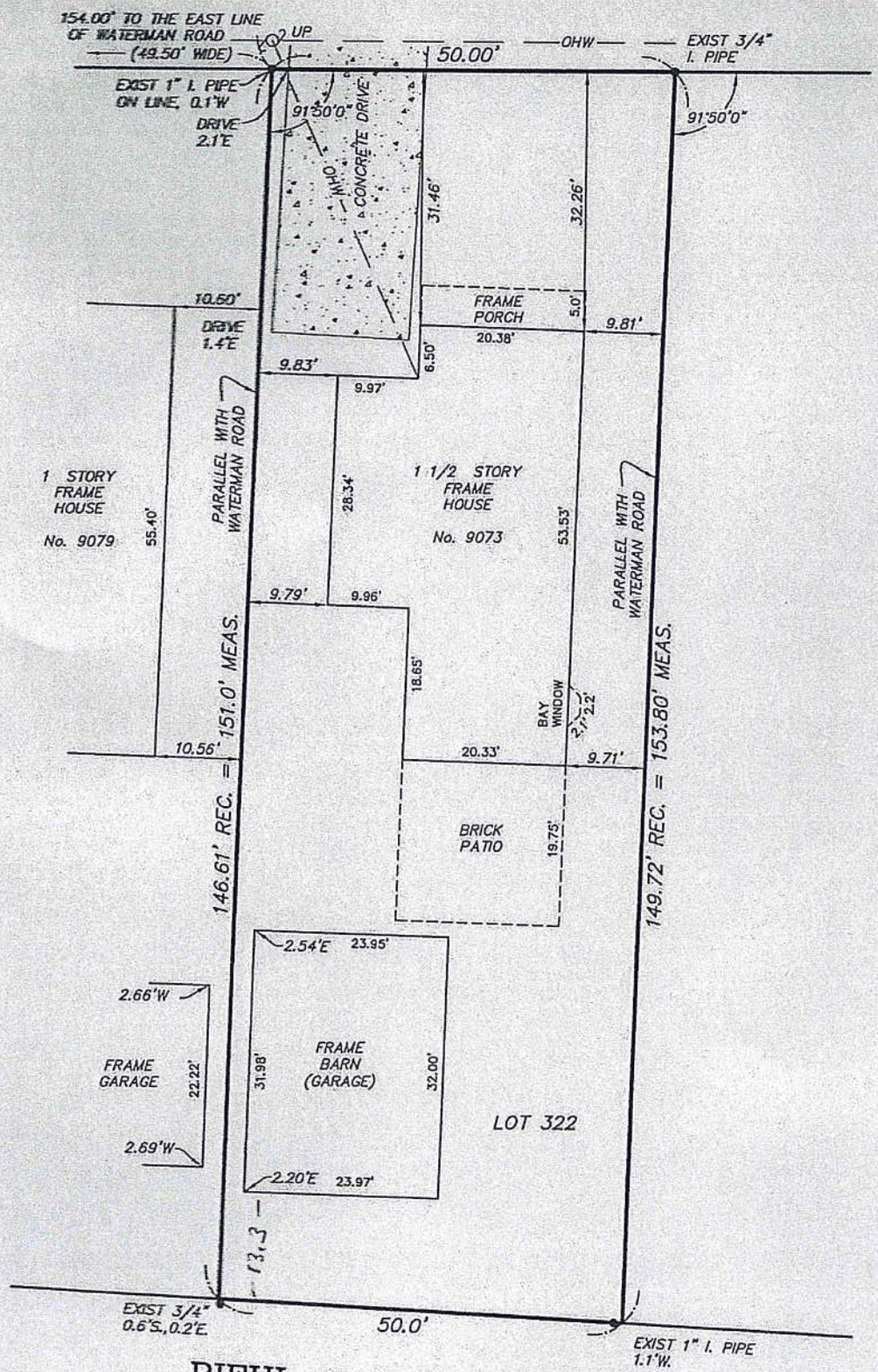
Very truly yours,

Hopkins Sorgi & Romanowski PLLC

Marc A. Romanowski, Esq.

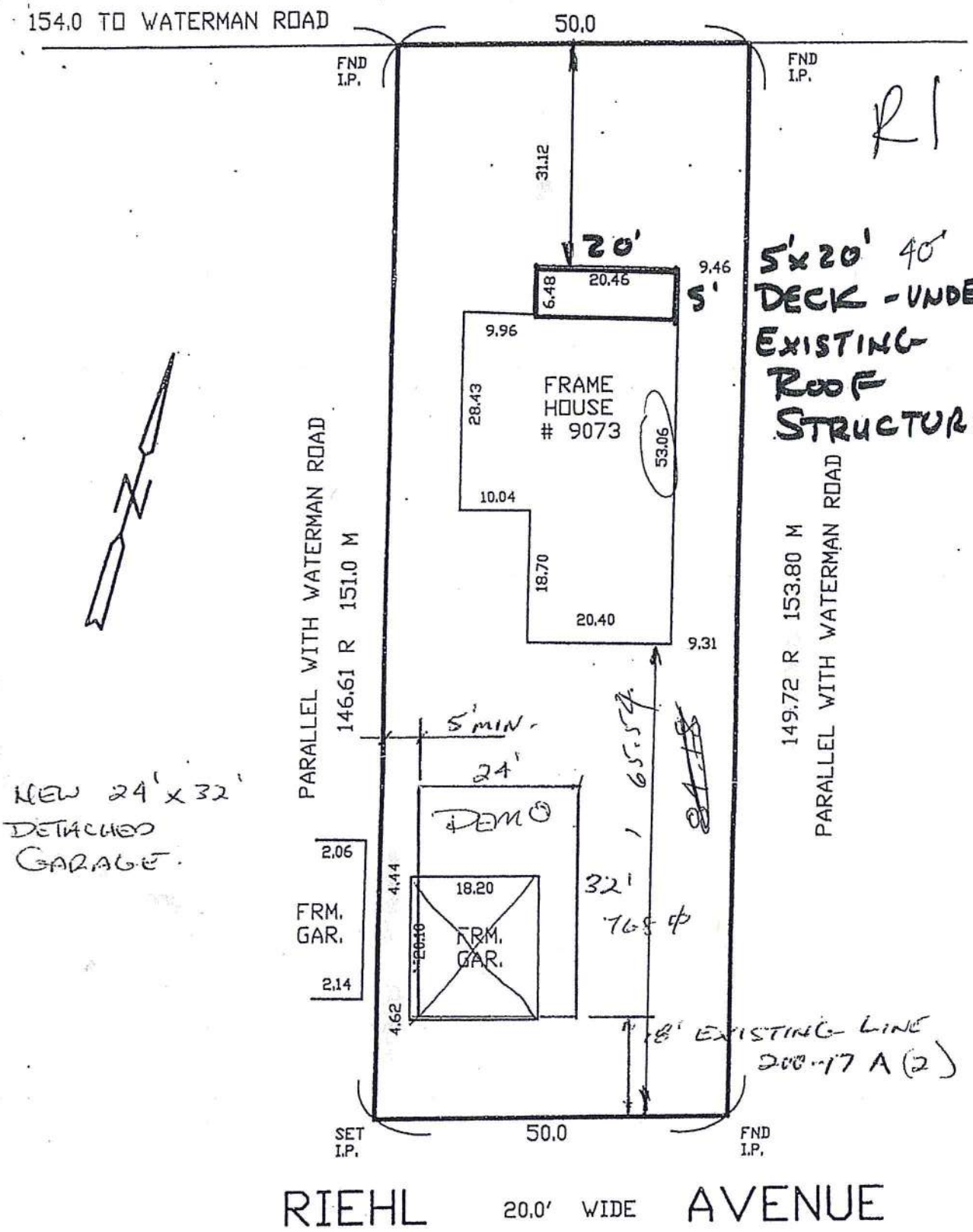
OR AS NOTED

LAKE SHORE (49.50' WIDE) ROAD



RIEHL (20.00' WIDE) AVENUE

SURVEY OF
SUB–LOT 322, MAP COVERS 1141 & 1284
BEING PART OF LOT 82, TOWNSHIP 8, RANGE 9
HOLLAND LAND COMPANY
TOWN OF EVANS, ERIE COUNTY, NEW YORK



THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE N.Y. STATE EDUCATION LAW

THIS SURVEY NOT VALID UNLESS EMBOSSED WITH SEAL 049234

SURVEY

A PART OF LOT 82, TOWNSHIP 8, RANGE 9, HLC
SUBLOT 322, MAP COVER 1141
TOWN OF EVANS, ERIE COUNTY, NEW YORK

TOWN OF EVANS

CODE ENFORCEMENT/ ZONING OFFICE
8787 Erie Road - Angola, New York 14006-9600
(716) 549-5753 - Fax (716) 549-0456

Building Permit : 2017-00009 **Permit Type :** Detached Garage

Property Owner : Victor Liberatore Jr **Property Location :** 9073 Lake Shore Rd **Tax Map Number (SBL) :** 234.16-1-24

Permit # : 2017-00009 **Date Received :** 01/17/2017 **Issued Date :** 01/17/2017 **Expiration Date :** 01/17/2018

Description of Work :
Erect a 24' x 32' x 16' high detached garage. located 5' from West line. Front line remains the same per 200-17 A (2) From Riehl Ave.
Total Square Footage : 768 Sq. Ft.

Permission is hereby granted to the Applicant/ Owner :

Applicant
Name : Victor Liberatore Jr
Phone # : 716-440-4662

Contractor
Name/ Organization :
Phone # :

NOTE : CALL FOR INSPECTIONS AT (716) 549-5753 - 24 HOURS NOTICE REQUIRED

Site Inspection
Foundation Before Backfill
Foundation Before Pouring
Framing, Plumbing & Heat
Insulation
Final Electrical
Final Inspection

Amount	Valuation	Fee type
50.00	20000.00	Detached Garage

1. Town of Evans Building Department based on our limited examination, and with our comments, shall not be construed as indicating the plans and specifications are in full compliance with all applicable codes. Approval by any Town of Evans Board does not relieve the applicant of obtaining other needed approvals from other agencies. This permit is not valid until the Certificate of Insurance is filed with the Building Inspector.

2. All Construction, Erection and Use shall comply with Current Zoning Ordinances, Building Codes, Subdivision Regulations. All construction and use shall meet New York State Building Construction Code Provisions.

3. This Building Permit is herewith INVALID or is subject to a shop order if, subsequently to its date of issue. The structure or 'use' is adjusted to be in serious conflict with provision (s), of current ordinance(s), use, code(s), Sub-Division or other governing regulations.

4. Cessation of activities on subject premises shall become effective with the invalidation of this Building Permit by the Issuing Officer. THE APPLICANT OF THE PERMIT SHALL BE SO NOTIFIED.

5. The undersigned states that this blue print is in compliance with the N.Y.S. Energy Conservation Construction Code, and will be built accordingly.

6. Failure to obtain certificate of occupancy may render invalid any or all portions of this permit.

ACCEPTED : _____ DATE : _____ ACCEPTED : _____ DATE : _____
(Contractor - Builder - Owner) (Building & Zoning Inspector)

Receipt is hereby acknowledge of the sum of **$50.00**, being the permit fee established by the Town of Evans.

ACCEPTED : _____ DATE : _____
(Town Clerk)

AREA VARIANCE QUESTIONNAIRE

1.) **Why will the requested variance not cause an undesirable change to the character of the neighborhood or be detrimental to the surrounding properties?**

The Garage is constructed in the same Location in Front and the side as the Old one which was Demolished. The new Garage is in keeping with the Character of the neighborhood and is an improvement.

2.) **Why can't you do what you want (ex. expand your house) without requiring a variance?**

see item 4 Below. The Garage is Existing

3.) **Why will the variance not have an adverse effect on the physical or environmental conditions of the neighborhood?**

see Item 1 above

4.) **If your improvement has already been constructed, state in detail why it was constructed without a permit and/or a variance?**

The Garage was constructed without the Variance Because I was under the impression that as long as the new Garage was Built in the same Location as the old one it was acceptable. note that a permit was issued for the construction of the Garage

DATE: 2/1/17 **SIGNATURE:**

BUILDING PERMIT NO. 2017-00009 DATE ISSUED: 1/17/2017

OPERATING PERMIT NO. _____ PERMIT EXPIRES: 1/17/2018

PERMIT

PERMISSION IS HEREBY GRANTED TO

NAME LIBERATORE

ADDRESS 9073 LAKESHORE Rd

THIS CARD MUST BE PLACED IN THE FRONT WINDOW UNTIL A CERTIFICATE OF OCCUPANCY IS OBTAINED

TO BUILD DETACHED GARAGE

CONTRACTOR SELF

By Paul Ryan

NOTE: FOR INSPECTION CALL (716) 549-5753

Building Inspector, Town of Evans

TOWN OF EVANS

CODE ENFORCEMENT/ZONING OFFICE
8787 Erie Road • Angola, New York 14006-9600
(716) 549-5753 • Fax (716) 549-0456

February 10, 2017

Victor Liberatore
9073 Lake Shore Rd
Angola, NY 14006

Re: Permit 2016-00009 Detached Garage.

STOP WORK ORDER

All work and building activity must cease at once.
Garage is located to close to the West property line. Documentation presented at the time of issuing a building permit clearly stated the location of the structure. The structure must be a minimum 5 feet from the west line, and no closer to Riehl Rd property line then the existing garage.

Structure must be removed, relocated or you may apply for a variance.

70-10 Stop Work orders

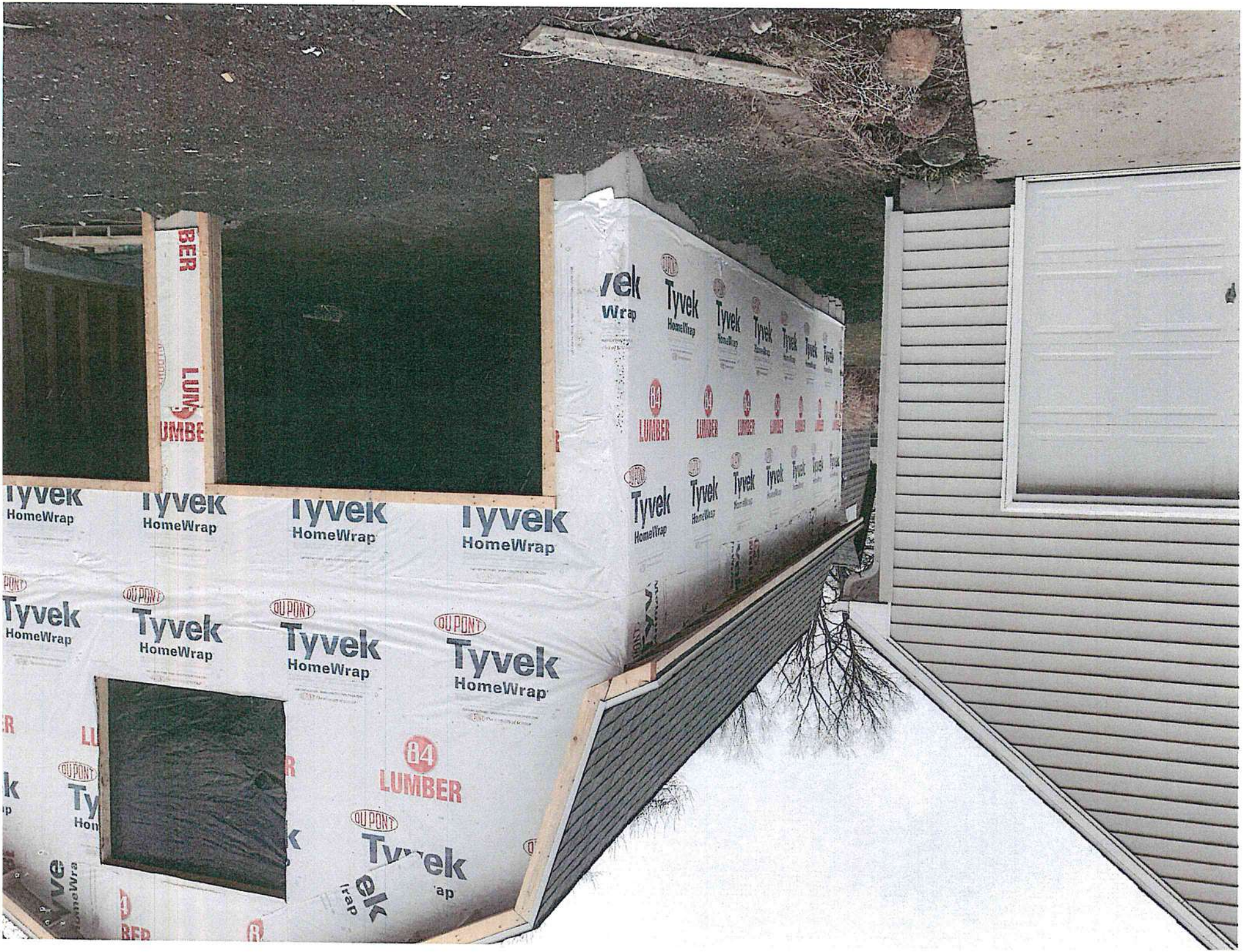
A.
Whenever the Code Enforcement Officer has reason to believe that the work on any building or structure is being performed in violation of the provisions of the applicable building laws, ordinances, rules or regulations, or not in conformity with the provisions of an application, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend all work and suspend all building activities until the stop-work order has been rescinded. Such order and notice shall appear in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to him by certified mail at the address set forth in the application for the permission of the construction of such building.

70-9 Enforcement; penalties for offenses

B.
In addition to those penalties proscribed by state law, any person, firm or corporation who violates any provision of the Uniform Code for any rule or regulation of this chapter, or the terms or conditions of any certificate of occupancy issued by the Code Enforcement Officer, shall be guilty of an offense punishable by a fine not exceeding $250 or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate violation

Paul Ryerse
Supervising Code Enforcement Officer
Town of Evans

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