Minutes Approved 6/30/20
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February 12, 2020

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Lynn M. Krajacic
Town Clerk
Town of Evans

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

Members Present: H. Martin, Jr., J. Kennedy, C. LaRusso

Members Absent: D. Maglich, T. Spada,

Also Present: J. Hill, Building Inspector, B. Penberthy, Esq.

Mr. Martin, Jr. opened the meeting with a quorum at 6:00pm. The meeting was held in the Municipal Building courtroom, 8787 Erie Road, Angola, New York 14006.

Mr. Martin, Jr. 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. Martin, Jr. asked for a motion to approve the minutes from January 15, 2020.

Mr. Kennedy made a motion to approve the January 15, 2020 minutes, seconded by Mr. LaRusso. All in favor, motion carried. Mr. Martin, Jr. recused himself.

NEW BUSINESS:

Leroy Rogers, 7109 Versailles Rd., Derby, NY 14047, is requesting to construct an addition to existing shed/garage, in violation of the Town of Evans Zoning Laws Section 200-17 A (4) size of accessory structure.

Applicant is requesting to increase the size of an accessory structure from 900 sqft to 2,600 sqft in order to build a 30 x 40 addition to the existing 1400 sqft shed/garage structure at the above address in violation of Tow of Evans Zoning Law section 200-17 A (4) size of accessory structure.

The applicant would like to construct a 30 x 40 addition to his existing structure.

Present for the appeal was Leroy Rogers.

Mr. Martin, Jr. asked if the addition is behind the house. Mr. Rogers stated yes. Mr. Martin, Jr. asked what the purpose of the addition is. Mr. Rogers stated that it is a garage attached to a chicken coop. Mr. Kennedy asked what the total square footage is. Mr. Rogers stated the chicken coop is 20 x 70 and the addition is 30 x 40.

Eileen, neighbor, 270 E. Main St., Fredonia explained the size of the addition.

Mr. Kennedy made a motion to approve, seconded by Mr. Martin, Jr.

All in favor:
Vote: Mr. Martin, Jr., aye
Ms. Spada, absent
Mr. LaRusso, aye
Mr. Maglich, absent
Mr. Kennedy, aye

Timothy Leach, 227 Kennedy Ave., Angola, NY 14006, is requesting to erect an addition to the rear of the house, in violation of Town of Evans Zoning Law Section 200-12 C (1) (f) [4], rear yard setback.

Applicant is requesting to construct an addition to the rear of his house reducing the rear yard setback from 30' to 7' at the above address in violation of the Town of Evans Zoning Law section 200-12 C (1) (f) [4] rear yard setback.

The applicant would like to construct an addition to the rear of his house, the existing 12 x 22 deck will be removed.

Present for the appeal was Timothy and Julie Leach.

Mr. Martin, Jr. read a letter marked as "Exhibit A" in favor of the appeal.

Mr. Martin, Jr. asked where the owner that wrote the letter in relation to the applicant is. Ms. Leach stated on the right side. Mr. Martin, Jr. asked if the addition would take the applicant to within 7 feet of the property line. Mr. Leach stated yes. Ms. Hill asked if it is a single or 2 story addition. Mr. Leach stated a single story. Mr. Kennedy asked if there is a pool behind them in the next yard. Mr. Leach stated yes. Mr. Kennedy asked if they knew how close the pool is to the fence. Mr. Leach stated at least 8 feet off the property line. Mr. Kennedy stated there is a safety concern if the pool is close to the addition. Mr. Martin, Jr. stated that the concern about the pool is valid. Mr. LaRusso stated that he too is concerned about the pool.

Patricia Sarro, 9579 Quebec St., wanted to confirm the addition would be the same size of the existing deck.

Mr. Martin, Jr. made a motion to approve the appeal with the condition it is inspected before the addition is constructed and the distance between the neighbor's pool and the addition is at least 10 feet, seconded by Mr. Kennedy.

All in favor:
Vote: Mr. Martin, Jr., aye
Ms. Spada, absent
Mr. LaRusso, aye
Mr. Maglich, absent
Mr. Kennedy, aye

Steven Eichler, 9337 Lake Shore Rd., Angola, NY 14006, is requesting to construct an addition to existing garage, in violation of in violation of the Town of Evans Zoning Laws Section 200-17 A (4) size of accessory structure.

Applicant is requesting to increase the size of an accessory structure from 900 sqft to 1,664 sqft in order to build a 26 x 30 enclosed carport on the front of an existing garage in violation of the Town of Evans Zoning Law section 200-17 A (4) size of an accessory structure.

The applicant was issued a carport permit, upon inspection the inspector found the sides of the carport to be enclosed.

Present for the appeal was Steven Eichler.

Mr. Martin, Jr. stated that all three present board members visited the site. He stated that it is the board's understanding the a permit was issued for the carport in

the present location but has since been enclosed. Mr. Eichler stated that he has cars and debris has been landing on the cars from the wind so that is why he enclosed the carport. Mr. Eichler stated that he spoke to Jesse Gilbert, building inspector, and was told he can take one side off and he would be in compliance. Ms. Hill stated that the code goes by the roofline and two structures put together is considered one structure whether the sides are there or not. Mr. Martin, Jr. asked if the permit issued included the sides. Ms. Hill stated no.

Mr. Martin, Jr. asked if there was anyone in the audience for or against the appeal.

Mr. Kenney asked if the sides could be removed. Mr. Eichler stated yes. Mr. Martin, Jr. stated that he drove around the neighbor and saw many carports but none that were enclosed. Mr. Kennedy states that the board is concerned that he will add windows and a door and make the carport completely enclosed.

Mr. Kennedy made a motion to deny, seconded by Mr. Martin, Jr.

All in favor:
Vote: Mr. Martin, Jr., aye
Ms. Spada, absent
Mr. LaRusso, aye
Mr. Maglich, absent
Mr. Kennedy, aye

Mr. Martin, Jr. asked if there was anything further for the board.

Mr. Martin, Jr. made a motion to adjourn to the next scheduled meeting.

All in favor:
Vote: Mr. Martin, Jr., aye
Ms. Spada, absent
Mr. LaRusso, aye
Mr. Maglich, absent
Mr. Kennedy, aye

Respectfully Submitted,

Jennifer Renaldo
Secretary

Tuesday February 4, 2020

Zoning Board:

We have "NO" objection to Timothy Leach, (227 Kennedy Ave), being granted a variance to build on his property...

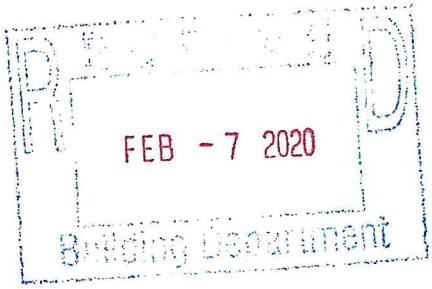
His application is "Supported" by us...

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226 Kennedy Ave

Robert Nagowski: Robert Nagowski

Mary Ann Nagowski: Mary Ann Nagowski



"Exhibit A"