Minutes Approved 8/12/20
Distributed 8/14/20

June 30, 2020

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

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

Members Absent: 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 via Zoom 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 February 12, 2020.

Mr. Kennedy made a motion to approve the February 12, 2020 minutes, seconded by Mr. Maglich. All in favor, motion carried.

RECEIVED
AUG 14 2020
Lynn M. Krajacic
Town Clerk
Town of Evans

NEW BUSINESS:

Michael Peters, 1887 Sturgeon Point Rd., Derby, NY 14047, is requesting to increase the size of an accessory structure, in violation of the Town of Evans Zoning Law Section 200-8.2 C (8) (b) [3].

Applicant is requesting to increase the size of an accessory structure from 1,200 square feet to 1,920 square feet, in violation of the Town of Evans Zoning Law Section 200-8.2 C (8) (b) [3].

The applicant would like to construct a new 1,920 square foot garage, which will be replacing an existing garage.

Present for the appeal was Michael Peters.

Mr. Martin, Jr. asked if Mr. Peters was replacing an existing garage. Mr. Peters stated yes. Mr. Martin, Jr. asked if the new garage would be in the same location. Mr. Peters stated yes.

Mr. Martin, Jr. asked if the board has any questions and no one spoke for or against this appeal.

Mr. Kennedy made a motion to approve, seconded by Mr. Maglich.

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

Wayne & Jennifer Griem, 282 Lakeside Rd., Angola, NY 14006, is requesting to construct a garage, in violation of the Town of Evans Zoning Laws Section 200-17 A (4) & 200-10 C (1) (c) [1].

Applicant is requesting to reduce the front yard setback from 40'to 30', in violation of the Town of Evans Zoning Law Section 200-10 C (1) (c) [1] and increase the size of accessory structure from 900 square feet to 1,108 square feet, in violation of the Town of Evans Zoning Law section 200-17 A (4).

The applicant would like to erect a 1,108 square foot private garage 30' from the front property line.

Present for the appeal was Wayne and Jennifer Griem.

Ms. Griem stated that garage would not be in the current driveway area but 2 feet back. Mr. Martin, Jr. stated that when he visited the site, there were garages in the neighborhood that were closer to the road then what is requested.

Mr. Martin, Jr. asked if the board has any questions and no one spoke for or against this appeal.

Mr. Kennedy made a motion to approve, seconded by Mr. Maglich.

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

Gary Suarez, 21 Rushford Lane, Cheektowaga, NY 14227, is requesting to place a shed at 150 Lancaster Ave., Angola, NY 14006, SBL# 250.17-9-51 in the front yard, in violation of the Town of Evans Zoning Laws Section 200-17 A (4) & 200-12 C (f) [1].

Applicant is requesting to reduce the front yard setback on a corner lot from 25' to 6', in violation of the Town of Evans Zoning Law Section 200-12 C (f) [1] and 200-17 A (4) in order to construct a shed.

The applicant would like to erect a 16' X 12' shed at 150 Lancaster Ave.

Present for the appeal was Gary Suarez.

Mr. Martin, Jr. asked if this is replacing a current shed. Mr. Suarez stated yes. Mr. Suarez stated that the shed will be within 18 feet of Virginia. He stated that the road is currently a one lane road with no utilities. Mr. Martin, Jr. stated that he visited the site and asked if the location of the shed is where the tarp now is. Mr. Suarez stated no. Mr. Maglich asked how close to the house will the shed be. Mr. Suarez stated at least 10 feet. Mr. Maglich stated that the scale on the survey must be wrong because it looks like the shed will be closer. Mr. Maglich stated that he shed must be at least 10 feet from the house. Mr. Suarez stated that it will be at least 10 feet from the house. The board discussed with Mr. Suarez the 6 foot distance from the property line and not the road. Mr. Suarez stated that he understood and the shed will not be closer than 6 feet to his property line.

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

Mr. Kennedy made a motion to approve, seconded by Mr. Maglich with the condition the shed must be at least 10 feet from the house and no less than 6 feet from the property line.

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

Patrick Zydel, 8160 Hillside St., Angola, NY 14006, is requesting to construct an addition to single family house, in violation of the Town of Evans Zoning Law Section 200-10 C (1) c [2] & 200-10 C (1) c [3].

Applicant is requesting to reduce the side yard setback from 8'to 3.4', in violation of the Town of Evans Zoning Law Section 200-10 C (1) [3] an combine side yard setback from 20' to 9.58', in violation of Town of Evans Zoning Law Section 200-10 C (1) [3]

The applicant would like to construct an addition on the side of his existing home. The applicant is requesting the new addition to be 3.4' from the side lot line. A variance was issued previously in 1997 to erect a house 6' from the side property line on the other side of the structure.

Present for the appeal was Patrick Zydel.

Mr. Martin, Jr. asked Mr. Zydel that on the application he indicated safety concerns. Mr. Zydel stated that he wants to be able to park his car in a garage because he has fallen a few times during the winter. Mr. Martin, Jr. read four letters marked as "Exhibit A, B, C and D" against the variance concerning the side yard setback of 3.4 feet and the ability for the adjoining to build in the area. Mr. Martin, Jr. asked if the neighbor wanted to build a garage 5 feet off the property line would he be able to. Mr. Maglich stated no not without a variance because there would not be a 10 foot separation between the addition and any future building on the neighbor's lot. Ms. Hill suggested that an option is to have a fire rated wall installed.

Edward Conboy, Jr., 8168 Hillside St. spoke in favor of the request if a fire rated wall is installed.

Mr. Kennedy made a motion to approve, seconded by Mr. Maglich with the condition the north wall of the addition must be fire rated.

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

Robert Trusiak, 6526A Hamilton Dr., Derby NY 14047, is requesting to construct a garage, in violation of the Town of Evans Zoning Law Section 200-17 A (4) & 200-12 C (2) (a) [2] & 200-12 C (2) (a) [3] & 200-12 C (2) (a) [1].

Applicant is requesting to increase the size of an accessory structure from 900 square feet to 1,200 square feet, in violation of the Town of Evans Zoning Law Section 200-17 A (4) and side and rear lot line setback from 5' to 1' in violation of Town of Evans Zoning Law section 200-12 C (2) (a) [2] and 200-12 C (2) (a) [3] along with the separation from any other structure in violation of Town of Evans Zoning Code Section 200-12 C (2) (a) [1].

The applicant would like to construct a 1,200 square foot garage within 1ft of the side and rear property line and within 7' of existing structures.

Present for the appeal was Robert Trusiak.

Mr. Martin, Jr. asked Mr. Trusiak if the reason the garage is in the location was so that the lake view would not be obscured. Mr. Trusiak stated yes. Mr. Martin, Jr. stated there is a concern with garage and the close proximity to the house. Mr. Trusiak stated that the garage will be a metal structure. The board discussed the garage can still start on fire if cars are stored because there will be wood supports and the entire building could be fire rated.

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

Mr. Maglich made a motion to approve, seconded by Mr. LaRusso with the condition the entire garage must be fire rated.

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

Respectfully Submitted,

Jennifer Renaldo
Secretary

June 28, 2020

TOWN OF EVANS
CODE ENFORCEMENT/ZONING OFFICE
8787 Erie Road
Angola, New York 14006-9600

RE: 8160 Hillside Street

Dear Board,

We have comments on both listed violations. Currently the south side yard is 6.18'. We estimate that the house width is 32' leaving a current side yard on the north of 26.82.

Section 200-10 C (1) c [2]:

If a total of 20' were enforced that would allow only 11' for an addition on the north side. I believe this would be a hardship for building the proposed addition. Therefore we agree a variance for this be granted.

Section 200-10 C (1) c [3]:

If the house is 32' wide on a 65' wide lot with a south yard of 6.18' this leaves a north side yard of 26.82'. The 8' required side yard would still allow an 18.82' wide addition. We believe this would be reasonable width for a family room. The proposed 3.4' side yard is too small for this situation. It would cause undue hardship on the next door neighbor if he were to build a garage in the future. That would cause the neighbor to have a side yard width of 6.6' , to meet the required spacing of 10' between structures, versus the required width of only 5'. If the neighbor on the north agrees to Mr. Zydel having a 5' side yard setback, versus the required 8', we would not oppose it. We do oppose the proposed 3.4 side yard width.

Thank you for the opportunity to comment on this matter.

Respectfully,

Sandra Wright

Michael Wright
583 Ainsworth Parkway

RECEIVED
JUN 29 2020
Building Department

Exhibit A

June 27, 2020

TOWN OF EVANS
CODE ENFORCEMENT/ZONING OFFICE
8787 Erie Road
Angola, New York 14006-9600

RE: 8160 Hillside Street

Dear Board,

I have comments on both listed violations. Currently the south side yard is 6.18'. I estimate that the house width is 34' leaving a current side yard on the north of 24.82.

Section 200-10 C (1) c [2]:

If a total of 20' were enforced that would allow only 11' for an addition on that side. The house has a south ard of 6.18 because the Department of Environment Conservation required that the current house be boult on the same foot print of the previous house that was demolished. I believe this would be a hardship for building the proposed addition. Therefore agree a variance for this be granted.

Section 200-10 C (1) c [3]:

If the house is 34' wide on a 65' wide lot with a south yard of 6.18' this equals a north yard of 24.82'. The 8' required side yard would still allow a 16.82' wide addition. I believe reasonable for a family room width. The proposed 3.4' side yard is too small for this situation. It would cause undue hardship on the next door neighbor if he were to build a garage in the future. That would cause the neighbor to have a side yard width of 6.6', to meet the required spacing of 10' between structures, versus the required width of only 5'. If the neighbor on the north agrees to Mr. Zydel having a 5' yard, versus the required 8', I would not oppose it.

Thank you for the opportunity to comment on this matter.

Respectfully,

Thomas A. Gallagher

Thomas A. Gallagher
8149 Hillside Street

RECEIVED
JUN 29 2020
Building Department

Exhibit B

June 28, 2020

TOWN OF EVANS
CODE ENFORCEMENT/ZONING OFFICE
8787 Erie Road
Angola, New York 14006-9600

RE: 8160 Hillside Street

Dear Board,

I have comments on both listed violations.

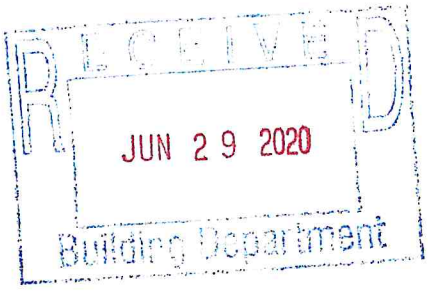
Section 200-10 C (1) c [2]:

If a total of 20' were enforced that would allow only 11' for an addition on the north side. The house has a south ard of 6.18 because the Department of Environment Conservation required that the current house be built on the same foot print of the previous house that was demolished. I believe this would be a hardship for building the proposed addition. Therefore agree a variance for this be granted.

Section 200-10 C (1) c [3]:

If the house is 34' wide on a 65' wide lot with a south yard of 6.18' this equals a north yard of 24.82'. The 8' required side yard would still allow a 16.82' wide addition. I believe reasonable for a family room width. The proposed 3.4' side yard is too small for this situation. It would cause undue hardship on the next door neighbor if he were to build a garage in the future. To meet the required spacing of 10' between structures would cause the neighbor to have a side yard width of 6.6', versus the required width of only 5'. If the neighbor on the north agrees to Mr. Zydel having a 5' side yard setback, versus the required 8', I would not oppose it. I am opposed to the proposed 3.4' side yard setback.

Thank you for the opportunity to comment on this matter.



Respectfully,

Edward J. Conboy Jr.

Edward J. Conboy, Jr.
8168 Hillside Street

Exhibit C

June 30,2020

David Waddell/Cynthia Olrogge
8158 Hillside st
Angola, NY 14006

Town of Evans
Code enforcement/zoning office
8787 Erie Rd
Angola, NY 14006

To the zoning Board of appeals:

We are the property owners that Rick Zydels 8160 Hillside St. variance will directly affect.

The variance will directly affect and restrict the use of our property. Because we lose the Ability to fully use our lot, we must decline the variance request.

This would not even be an issue but somehow he was able to sub divide 15 feet of property, from my elderly father. If I am correct is contrary to town policy of sub-dividing lots. Based on that knowledge, also think the town should give me back my 15 feet that rick should not have been entitled to.

Thank you for your consideration;

Property owners at 8158 Hillside St:

David Waddell/Cynthia Olrogge

David Waddell Cynthia Olrogge

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JUN 30 2020
Building Department

Exhibit D