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Town of Evans

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, ZBA Liaison, B. Penberthy, Esq.

Mr. Martin, Jr. opened the meeting with a quorum at 6:00pm. The meeting was held via Zoom.

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.

New Business:

Robert Zaffram, 8570B Lake Shore Rd., Angola, NY 14006, is requesting to demolish and re-construct a new single family dwelling, in violation of the Town of Evans Zoning Law Section 200-12 C (1) (a) minimum lot area, 200-12 C (d) [1] abutting a dedicated street, 200-12 C (1) (f) [4] rear yard setback.

Applicant is requesting to demolish the existing home and construct a new single family dwelling on the existing lot, in violation of Town of Evans Zoning Law Section 200-10 C (1) (a) minimum lot area and 200-12 C (d) [1] dedicated street and 200-12C (1) (f) [4] rear yard setback. The current structure is grandfathered in under non-conforming lot of record and use. With the proposed 2400 sqft house, measuring 48' X 50' the applicant also needs a rear yard setback in order to fit the house on the lot. The rear yard setback would be reduced from 30' to 25'. The house just meets the maximum lot coverage allowable.

Present for the appeal was Robert and Helen Zaffram.

Chris Tucker stated the square footage of the house would now be 2,400. The applicants reduced the size of the house to fit the current lot. Mr. Martin, Jr. stated the new house would improve the neighborhood. Mr. Kennedy stated he spoke to a neighbor and they were in favor of the appeal.

Susan VanDierson (?) asked how close to the rear house will the house be and will the large trees have to be taken down. Mr. Zaffram stated there are a couple in the rear that will need to be taken down.

Mr. Kennedy made a motion to approve, seconded by Mr. Maglich with the condition the house stays in the footprint on the survey.

All in favor:

Mr. Martin, Jr., aye
Ms. Spada, absent
Mr. LaRusso, aye
Mr. Maglich, aye
Mr. Kennedy, aye

JW Cromwell, 471 Delaware Ave., Buffalo, NY 14202, is requesting to reduce the minimum lot frontage in order to subdivide 7000 Lake Shore Rd., Derby, in violation of Town of Evans Zoning Law Section 200-11 C (1) (b) [3] minimum lot width.

Applicant is requesting to reduce the minimum lot width lot area in order to split the existing lot and build 2 new homes. The applicant is requesting to reduce the required minimum lot width from 200' to 141'.41", in violation of Town of Evans Zoning law section 200-11 C (1) (b) [3] minimum lot width, in order to split the current parcel into three lots; the proposed 141.41' lot will contain the existing house.

Present for the appeal was Chris Wood, Carmina, Wood & Morris.

Mr. Wood stated the petitioner would like to split off two lots from his existing parcel for his sons. The 141.41 feet will be used as access to the large parcel with the existing house. A survey was provided with the proposed lots.

Anne and Charlie Sellers, 6996 Lake Shore Rd spoke in favor of the appeal.
Joe Sellers, 6998 Lake Shore Rd is in favor of the appeal.

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

All in favor:

Mr. Martin, Jr., aye
Ms. Spada, absent
Mr. LaRusso, aye
Mr. Maglich, aye
Mr. Kennedy, aye

Stephen Rodler, 471 Lakeside Ave., Angola, NY 14006 is requesting to construct a shed on a corner lot, in violation of the Town of Evans Zoning Law Section 200-17 A (3) setback on corner lots and 200-12 B (2) (a) [3] rear yard setback.

Applicant is requesting to erect a shed, in violation of the Town of Evans Zoning Law Section 200-17A (3) setback on corner lots and 200-12 C (2) (a) [2] accessory structures side yard setback.

The applicant would like to construct a shed at 471 Lakeside Ave., which is located on the corner Lakeside Ave. and Lake Shore Road. The proposed shed would be 23' from Lakeshore Road instead of the required 40' and 3.5' from the side yard instead of the required 5'.

Present for the appeal was Joanne McDougall and Stephen Rodler.

Ms. McDougall stated the shed would not affect the neighborhood. Mr. Kennedy asked if it is considered his back yard. Ms. McDougall stated the applicant's driveway is on Lake Shore Rd but the house faces on Lakeside Ave. Mr. Rodler stated he wants to replace his current with shed because it is too small. Mr. Kennedy asked if the shed is big enough to park a car. Mr. Rodler stated yes he would use it for storage and to

park a car. Mr. Maglich asked if there are surrounding buildings that will be close. Mr. Rodler stated no. Mr. Martin, Jr. stated the applicant would not be able to put a shed of any size on the parcel without a variance. Mr. Maglich stated the location for the appeal is in the best spot on the property.

No one spoke for or against the appeal.

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

All in favor:

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. asked for a motion to adjourn to the next scheduled meeting.

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

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