Minutes Approved 7/15/21
Distributed 7/16/21

May 13, 2021

TOWN OF EVANS

REGULAR MEETING
OF THE
ZONING BOARD OF APPEALS

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

Members Absent:

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 in the Municipal Building courtroom, 8787 Erie Road, Angola, New York 14006 and 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.

Mr. Martin, Jr. asked for a motion to approve the minutes from April 14, 2021.

Mr. Kennedy made a motion to approve the minutes from April 14, 2021, seconded by Mr. LaRusso. All in favor, motion carried.

RECEIVED
JUL 16 2021
Lynn M. Krajacic
Town Clerk
Town of Evans

New Business:

Michael Dauenhauer, 7149 Derby Road., Derby NY 14047, is requesting to construct a carport, in violation of Town of Evans Zoning Law Section 200-17 A (4) size of accessory structures and 200-10 C (2) (b) height of accessory structure.

Applicant is requesting to construct a 3600 sqft carport 18 feet in height on property. The applicant would like to increase the size of the allowable accessory structure in a R1 zoning district from 900 sqft to 3,600 sqft and increase the height of the structure from 16' to 18' in order to construct a carport, in violation of the Town of Evans Zoning Law Section 200-17 A (4) and 200-10 C (2) (b).

The applicant would like to construct a 3600 square foot garage 18' in height on the property.

Present for the appeal was Michael Dauenhauer.

Mr. Martin, Jr. asked what the purpose of the building is. Mr. Dauenhauer stated he currently has no garage and has many vehicles including a classic car. He is going to build a carport and the system he will use, will make it able to convert into a garage. Mr. Martin, Jr. stated he went to the property and the location of the carport will be behind the house surrounded by trees. Mr. Maglich asked if the carport would be seen from the road. Mr. Dauenhauer stated if you really look, you would be able to see a portion. Ms. Spada asked the distance to the neighbor. Mr. Dauenhauer stated at least 100 feet. Mr. Martin, Jr. stated he drove through the neighborhood and there are many large structures.

No one spoke for or against the appeal.

Mr. Kennedy made a motion to approve with the condition the carport cannot be used for commercial purposes and can be converted into a garage, seconded by Ms. Spada.

All in favor:

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

Mr. Maglich added to record the policy of the board has been the building being proportional to the size of the property.

Grandview Bay LLC, 295 Main St., Buffalo, NY 14203, is requesting to construct a 3-story mixed-use building adjacent to an existing bar/restaurant and 8 single-family residential townhouses along Iroquois Street located at 8934 Lake Shore Rd., SBL #234.16-2-25.1, in violation of the Town of Evans Zoning Law Section 200-20.1 B (8) (f) parking/driveway setbacks, 200-20.1 F (2) (g) minimum height ground floor commercial building restaurant, 200-20.1 F (3) (c) minimum building transparency, 200-20.1 F (2) (g) minimum ground floor commercial buildings mixed use building, 200-20.1 F(2) (i) building setback after 26' or two-story parking and 200-20.1 F (2) (h) residential use on ground floor townhomes.

The Applicant requesting to construct eight (8) single family residential located along Iroquois Street, a new 3210 sqft two story restaurant, two (2) single family townhomes, six (6) waterfront 3-story townhomes and a 3-story mixed-use building that features 7 tri-level condominium units and approximately 5,500 sqft of commercial retail space on SBL # 234.16-2-25.1, in violation of the Town of Evans Zoning Law Section 200-20.1 B (8) (f) parking Driveway setback for site; Restaurant 200-20.1 F (2)(g) minimum height ground floor commercial, 200-20.1 F (3) (c) minimum building transparency 3-story Mixed-use building 200-20.1 F (2) (g) minimum height ground floor commercial, 200-20.1 F (2) (i) building setback after two stories, Townhomes 200-20.1 F (2) (h) residential use precluded from ground floor front yard setback, 200-20.1 B (2) (h) front yard setback corner lots, 200-20.1 D (2)(a) parking side yard setback and 200-20.1 F (2) (h) residential use on ground floor.

The Applicant requesting to construct eight (8) single family residential located along Iroquois Street, a new 3210 sqft two story restaurant, two (2) single family townhomes, six (6) waterfront 3-story townhomes and a 3-story mixed-use building that features 7 tri-level condominium units and approximately 5,500 sqft of commercial retail space. The Planning Board has conducted an in-depth review of the proposed project as it relates to the Waterfront Mixed-Use District; a letter has been submitted by the Planning Board in regards to the variance request.

Present for the appeal was Jeremy Wassel, representing Grandview Bay, LLC.

Mr. Wassel had a presentation that was marked into record.

Mr. Martin, Jr. read into record a letter from William Smith, Director of Planning on behalf of the Planning Board.

Mr. Smith stated the project still under review with the Planning Board in terms of the architectural design. The Planning Board recommends the variances that are before the Zoning Board of Appeals be granted. The Planning Board will continue to work with Ellicott Development.

Ms. Spada asked about the condominiums. Mr. Smith stated the condominiums will be part of a HOA and will not be subdivided.

Mr. Smith discussed with the board what the Planning Board is working on with Ellicott Development.

No one spoke for or against the appeal.

Mr. Martin, Jr. made a motion to approve the driveway setback as indicated and residential use on ground floor as indicated for the lakefront condominiums, seconded by Mr. Kennedy.

All in favor:

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

Mr. Martin, Jr. made a motion to approve minimum height ground floor and minimum building transparency for the restaurant, seconded by Mr. LaRusso.

All in favor:

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

Mr. Martin, Jr. made a motion to approve minimum height ground floor and building setback after 26 feet as indicated for the mixed-use building, seconded by Ms. Spada.

All in favor:

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

Gary & Suzanne M. Andelora, 5570 Coachmans Lane, Hamburg, NY 14075, is requesting to construct a house/addition at 8812 Lake Shore Road SBL# 234.12-4-21, in violation of Town of Evans Zoning Law Section 200-12 C(1) (f) [2] combined side yard setback, 200-12 C (1)(f) [3] minimum side yard setback and 200-12 C (1) (f) [4] rear yard setback.

Applicant is requesting to reduce the combined side yard, minimum side yard and rear yard setback in order to construct a two story house/ addition. The applicant proposes to move the existing house 3' from the side property line on the north side instead of required 5', and 6'6" on the south side with a combined side yard of 9'6' instead of required 15' setback and a rear yard setback of 5' and 11', in violation of the Town of Evans Zoning Law Section 200-12 C (1) (f) [3] side yard setback from 5' to 3'; 200-12 C(1) (f) [2] combined side yard setback from 15' to 9'.6'' and 200-12 C (1) (f) [4] rear yard setback from 30' to 5' & 11'.

The applicant would like to construct an addition to the side of 8812 Lake Shore Road, Angola reducing both the side yard and rear yard setbacks.

Present for the appeal was Gary & Suzanne Andelora.

Ms. Andelora stated the current house is not made for year round living. There are no actual bedrooms and rooms are partitioned off. Mr. Martin, Jr. stated there were pictures submitted of the site. He stated he visited the site and the houses are tight. Ms. Spada asked if they are adding on or building a new house. Ms. Andelora stated only an addition. Ms. Andelora stated the house would be moved over. Ms. Spada asked if there would be 6 feet on the north side of the property. Ms. Andelora stated yes. Ms. Spada asked going from 13 feet to 6 feet. Ms. Andelora stated yes. Mr. Martin, Jr. read into record numerous exhibits.

Nancy Tucker, 8818 Lake Shore Rd, spoke in favor of the appeal.
Stanley & Christine Radwan, 8816 Lake Shore Rd, spoke in favor of the appeal.
Janet Andelora, 8801 Lake Shore Rd, spoke in favor of the appeal.
Ralph C. Lorigo, Attorney on behalf of Mr. & Mrs. Edward J. Voltz, Jr. spoke in opposition of the appeal.
Karleen Voltz Angrisano, 8812B Lake Shore Rd, spoke in favor of the appeal.

Mr. Martin, Jr. asked if anyone wants to speak in favor or against the appeal.

Kristin Lodick, 2816 Lewiston Rd, Niagara Falls, daughter of Karleen Angrisano, spoke in favor of the appeal.
Jessica Andelora, daughter of applicants, spoke in favor of the appeal.
Ralph C. Lorigo, Attorney, 101 Slade Ave, West Seneca, NY 14224, representing Mr. & Mrs. Edward J. Voltz, Jr., spoke in opposition of the appeal. He stated his client's access would be greatly reduced. An emergency vehicle would not be able to access their property.
Therese Voltz, 8810 A Lake Shore Rd, spoke in opposition of the appeal. She is concerned of the health and safety of her family. Her husband was able to back down the walkway when her elderly mother lived there to pick her up.

Mr. Maglich asked if the where the car was backed up was her property. Ms. Voltz stated there is a deeded right of way.

Mr. Lorigo stated there is an easement right of way but also a prescriptive easement because they are land locked. Mr. Maglich asked if it is their property. Ms. Spada asked how wide the easement is. Mr. Lorigo stated one ½ feet. Mr. Lorigo stated there was never an objection in the past. Mr. Maglich stated it is not their property.

Christopher J. Tucker, 8818 Lake Shore Rd, spoke in favor of the appeal.

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

All in favor:

Mr. Martin, Jr., aye
Ms. Spada, aye
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, seconded by Mr. Maglich.

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

Respectfully Submitted,

Jennifer Renaldo
Secretary

TOWN OF EVANS

8787 Erie Road • Angola, New York 14006-9600 • www.townofevans.org

WILLIAM B. SMITH
Director of Planning and Community Development
Telephone: (716) 549-0945 / Fax: (716) 549-0456
wsmith@townofevans.org

May 6, 2021

Howard Martin
Zoning Board of Appeals, Chair
6819 Colony Ct
Derby, NY 14047

Dear Mr. Martin,

Regarding the Application to the Zoning Board of Appeals (ZBA) recently submitted by Grandview Bay, LLC. for a proposed Waterfront Mixed Use (WMU) development to be located at 8934 Lake Shore Road, please be advised that the Evans Planning Board officially and unanimously recommends that the six area variances requested by the applicant be approved, provided that the following conditions are met:

1. Sections B(8)(f) – Parking/Driveway Setback – Proper screening, such as new fence and foliage, shall be provided along the northern property line and coordinated with the neighbor.
2. Section F(2)(g) – Minimum Height of Ground Floor (Restaurant) – The overall aesthetic of the restaurant shall be carefully vetted through architectural design review and subject to ultimate Planning Board approval.
3. Section F(3)(c) – Minimum Building Transparency – Attractive architectural design features shall be incorporated into the north façade of the restaurant. These shall be included on elevation drawings and renderings to be reviewed and approved by the Planning Board. All other elevations of the restaurant shall maximize transparency and maintain views of Lake Erie.
4. Section F(2)(g) – Minimum Height of Ground Floor (Mixed-Use Building) – The overall aesthetic of the mixed-use building shall be carefully vetted through architectural design review and subject to ultimate Planning Board approval.
5. Section F(2)(i) – Third Floor or 26 ft Setback – The applicant shall incorporate design elements (e.g. windows, trims, projections, etc...) on the north and south side elevations of the mixed-use building in order to break up the façades and avoid the appearance of any large blank walls.
6. Section F(2)(h) – Residential Use Precluded from Ground Floor – The applicant shall incorporate commercial uses (i.e. retail and restaurant) elsewhere throughout the site to adhere to the intent of the WMU District.

As Lead Agency under the State Environmental Quality Review Act (SEQR) and as the approving body for all commercial site plans pursuant to Section 200-42 of the Evans Town Code, the Planning Board has carefully reviewed the most current site plan submitted by Grandview Bay, LLC., as well as all previous versions, at numerous Work Sessions and Public Hearings over the course of the past 14 months. It is the Planning Board's belief that the approval of the abovementioned variances will have no significant

adverse impacts on the overall quality of the project nor will they negatively impact the character of the surrounding community.

Thank you for your consideration of the Planning Board's recommendations on this project. Please review this letter with your fellow members of the ZBA, and do not hesitate to contact the Planning Department at 716-549-0945 with any questions.

Sincerely,

William Smith

William Smith
Director of Planning (on behalf of the Planning Board)

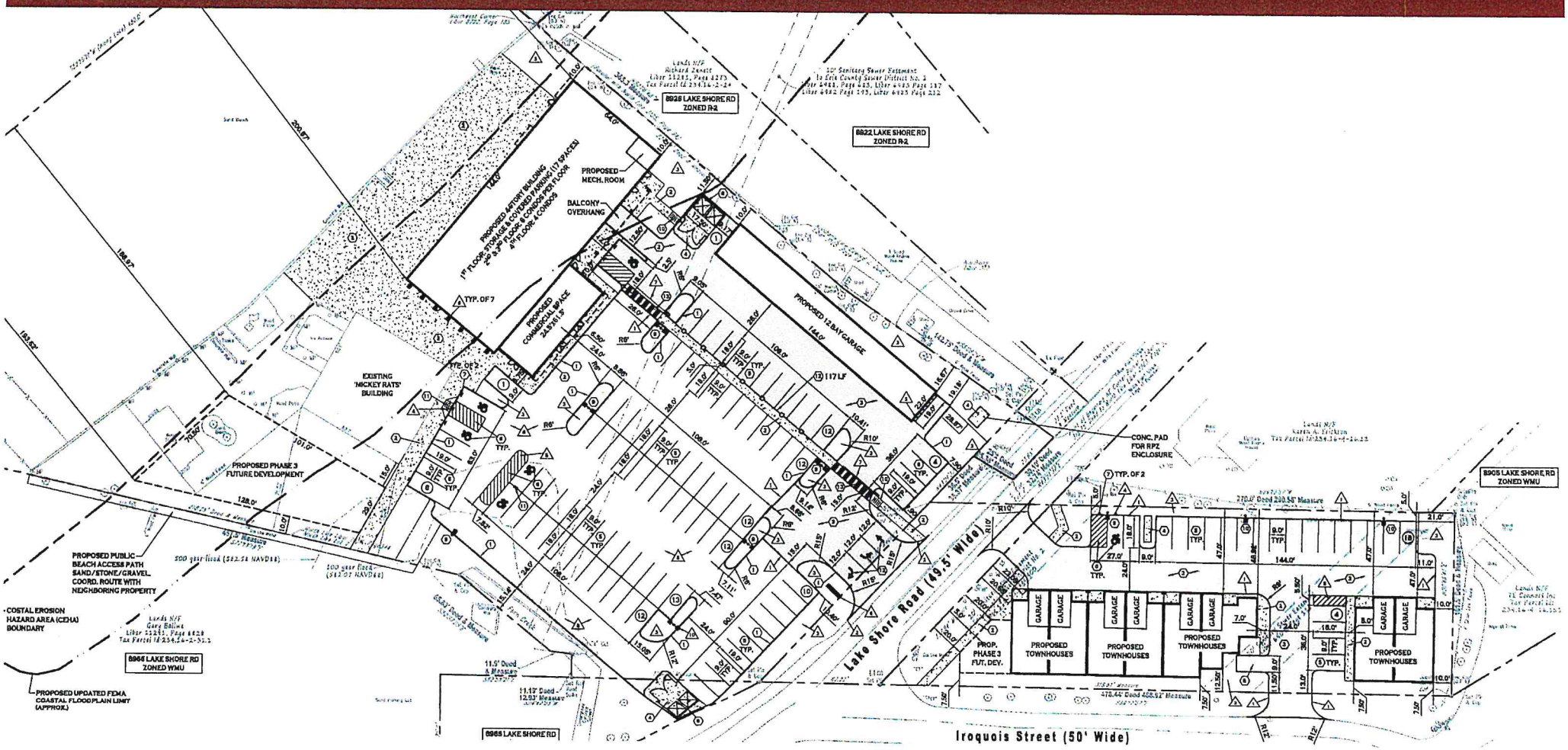
Cc'd:

Donald Maglich
Tracy Spada
John Kennedy
Christopher LaRusso
Andrew Supon
Anne Sellers
Joseph Pinter
Michael Connors
Andrew Lloyd
Donald Schiedel
Lori Szewczyk

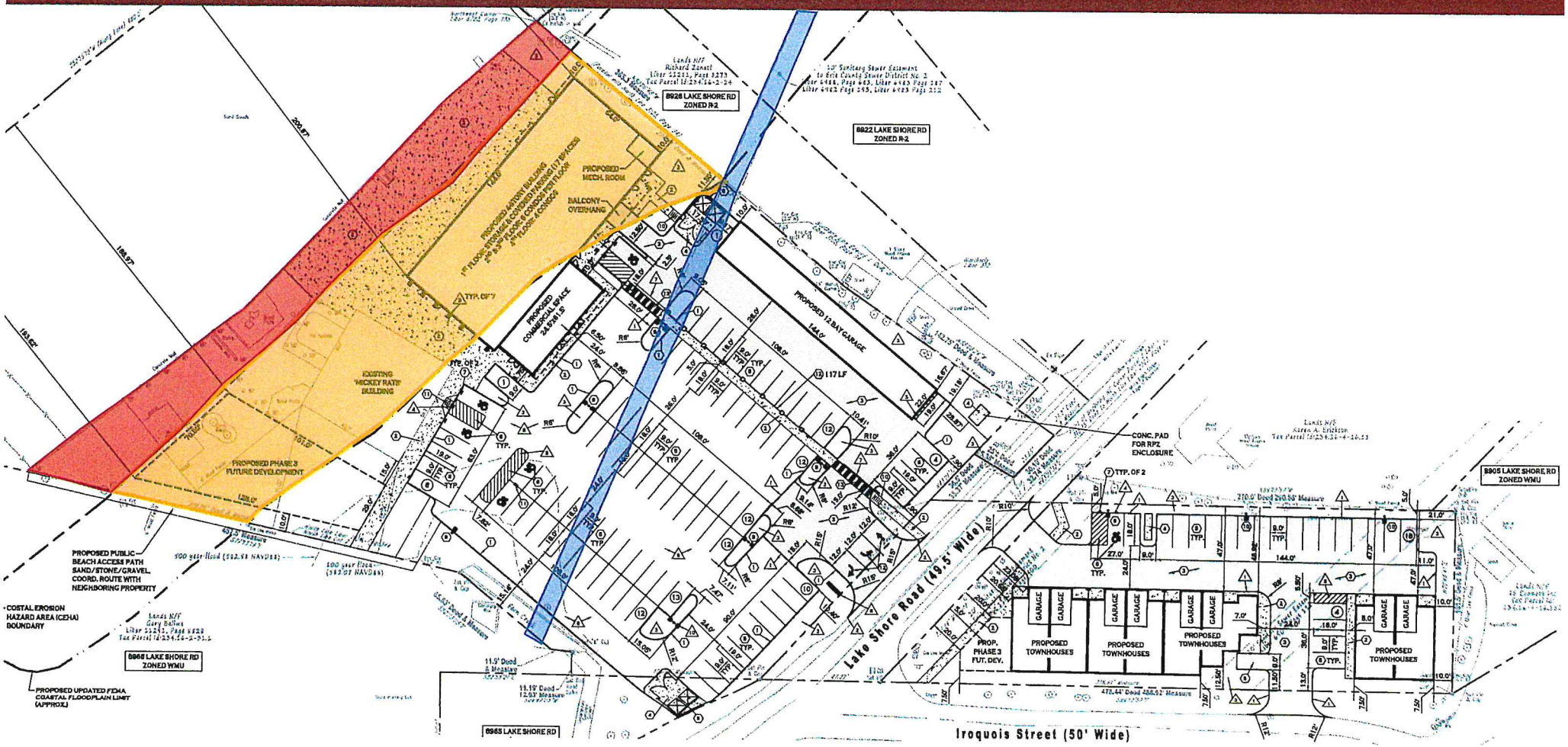
Grandview Bay
8934 Lake Shore Road
Planning Board Meeting
March 10th, 2021

ELLICOTT
DEVELOPMENT

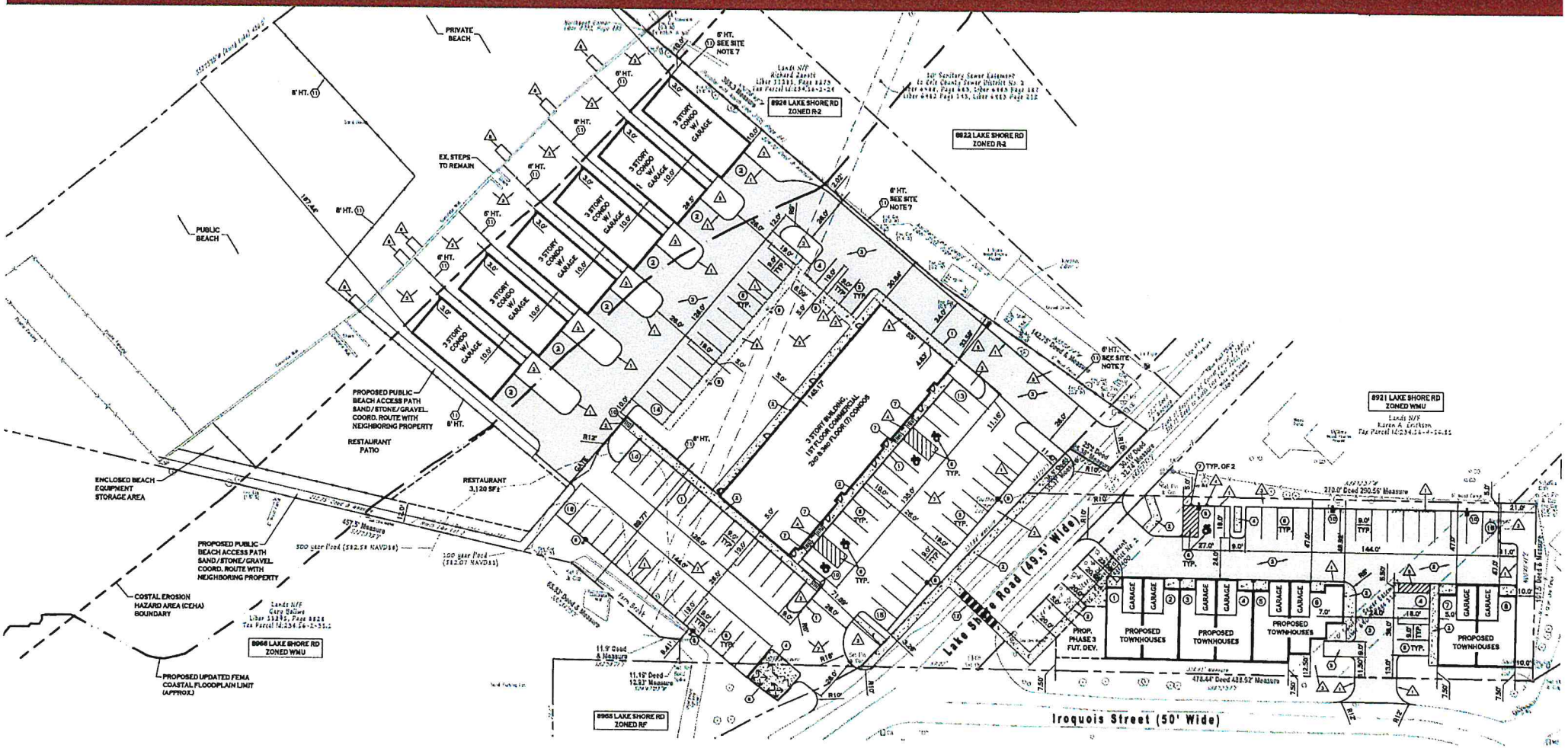
PREVIOUSLY SITE PLAN



FEMA EROSION & FLOOD AREAS



PROPOSED SITE PLAN



PREVIOUSLY RENDERING



AREA VARIANCES - SITE

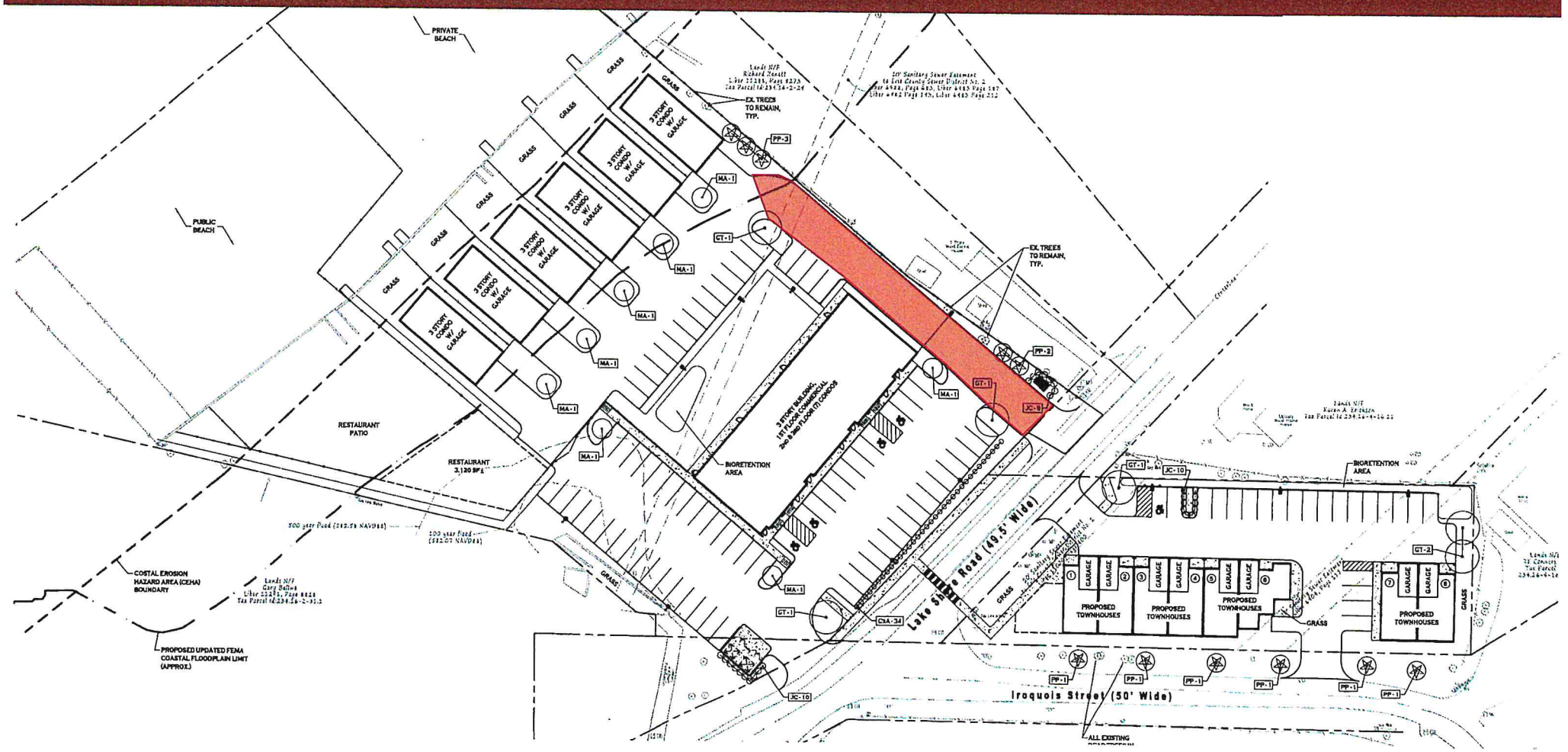
- **One** area variances will be requested of the ZBA:

1) **Section B(8)(f) – Parking/Driveway Setbacks**

Required: Minimum 15-30' setback where commercial use abuts a residential district

Proposed: 2' setback from northern property line

PROPOSED LANDSCAPING PLAN



AREA VARIANCES – MIXED-USE

- **Two** area variances will be requested of the ZBA:

  1) **Section F(2)(g) – Minimum Height of Ground Floor of Commercial Building**
  Required: 14'
  Proposed: 12'

  2) **Section F(2)(i) – Building Setbacks**
  Required: Setbacks after 26' or two stories
  Proposed: No building setback

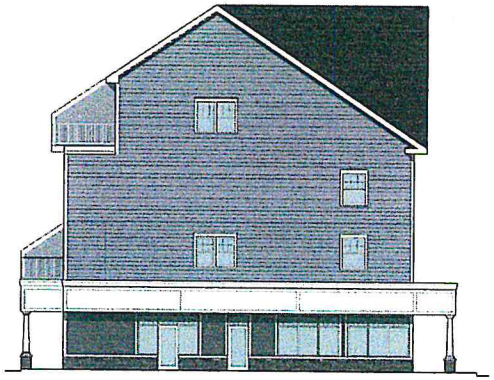
PROPOSED ELEVATION – MIXED-USE



PROPOSED ELEVATION – MIXED-USE

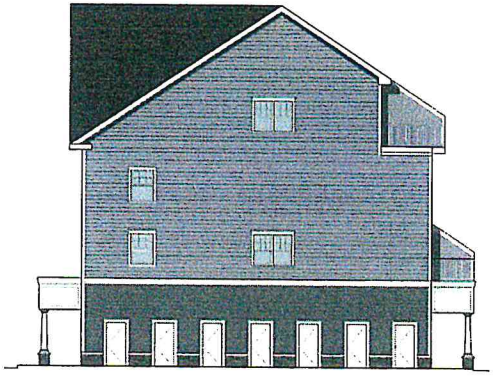


REAR ELEVATION (4)
SCALE: 1/8"=1'-0"



SIDE ELEVATION (3)
SCALE: 1/8"=1'-0"





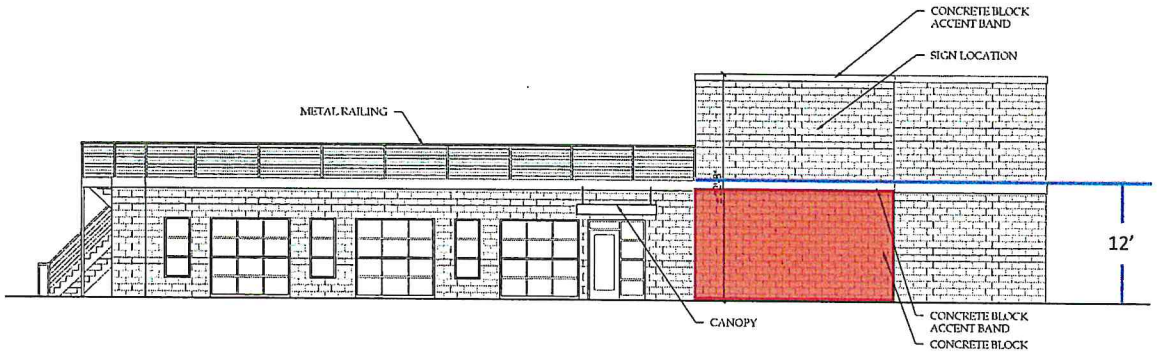
AREA VARIANCES – RESTAURANT

- **Two** area variances will be requested of the ZBA:

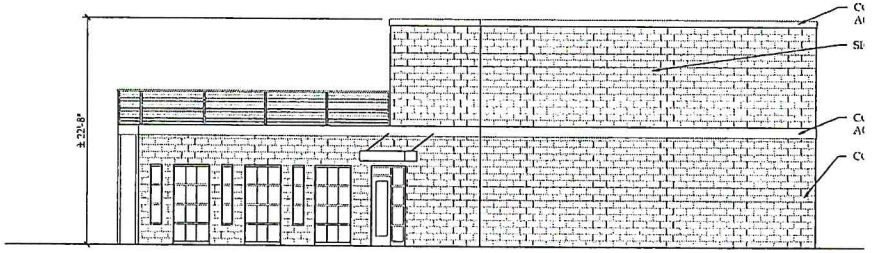
  1) **Section F(2)(g) – Minimum Height of Ground Floor of Commercial Building**
  Required: 14'
  Proposed: 12'

  2) **Section F(3)(c) – Minimum Building Transparency**
  Required: 40% for commercial buildings with frontage on public street
  Proposed: 0% for West elevation facing Lake Shore Road.

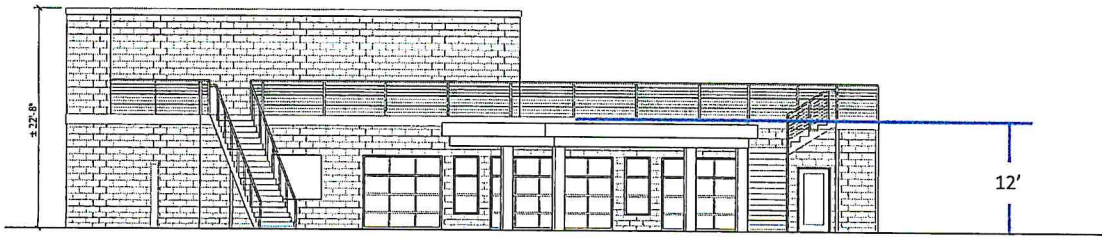
PROPOSED ELEVATION – RESTAURANT



D1 SOUTH ELEVATION
1/8"=1'-0"



D4 WEST ELEVATION
1/8"=1'-0"



QUESTIONS and COMMENTS?

May 4, 2021

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

Re: Gary A. & Suzanne M. Andelora
8812 Lake Shore Road
SBL # 234 12.4.21

Dear Zoning Board Members:

I am in receipt of the notice regarding the Public Hearing scheduled for the Town of Evans Zoning Board of Appeals scheduled for May 13th at 6 PM.

As a neighbor of Gary & Suzanne Andelora, I am writing in response to their application for variances associated with their home located at 8812 Lake Shore Road.

I am in **full and complete** support of the requested variances and would urge the Board's approval for the following reasons:

1. The home, as it is currently situated, is a summer cottage, without the ability to be used year round. Given the large number of "snow-birds" and/or seasonal cottages in the area, having an additional home with year round occupancy will provide a safer neighborhood, as neighbors look out for each other and their property.
2. Renovating this cottage will continue to enhance the "look and feel" of the Grandview Bay area, similar to improvements made at our home and others on Lake Shore have been renovated and/or re-built.
3. The requested variances are consistent with other enhancements that have been completed in the Grandview Bay area.

Additional benefits to the Town would likely include an increase in the use of Town and local merchants in addition to an increase in tax revenue.

In closing, I respectively provide the Board with my full support of the requested variances, and encourage the approval thereof.

Sincerely,

Nancy A. Tucker
Owner, 8818 Lake Shore Road, Angola, NY

Exhibit A

Town Of Evans
ZONING BOARD OF APPEALS
8787 Erie Rd.
Angola New York 14006
Public Meeting May 13th,2021

May 5,2021

RE: Request of Gary & Suzanne Andelora
Construct House/addition
8812 Lake Shore Rd.

Because my wife and I will be out of town until the end of May, we are writing to the Zoning Board of Appeals with our thoughts and recommendations on the Gary & Suzanne Andelora project.

We reside at 8816 Lake Shore Rd, next door to the Andelora's home at 8812 Lake Shore Rd. We have been neighbors for more than 38 years. The outside walls of our homes are currently no more than 6 feet apart. We are what you call " close neighbors "!

Over the years the Andeloras have shared with us their thoughts for creating their full time Angola dream home out of their Angola summer residence.

Recently, with Chris Tucker's help, we were provided with the Andelora survey with an overlay showing the project. The overlay was created after we, the Andeloras, my wife and I and Chris Tucker discussed the distance that the Andelora house (8812) would have to be moved northward, to accommodate excavation for the southerly wall of 8812 in proximty to my home's (8816) foundation. After discussion, it was agreed that the southerly wall of the moved 8812 would be 3 feet from the southerly property line of the Andelora home.(8812)

With this verbal agreement with the Andeloras, my wife and I would only request that an insurance policy be taken out with my wife and I as the insured, to make us whole if the excavation, for any reason, causes damage or disruption to our property now or in the foreseeable future.

This project will be of benefit to the Town as it enhances the lakefront area, where other homes have recently already been recently remodeled including our home 8816 Lake Shore Rd, 8818 Lake Shore Rd.,8824 Lake Shore Rd and the newly built home at 8825 Lake Shore Rd.

We are in favor of this project.

Stanley Radwan

Christine Radwan
8816 Lake Shore Rd.
Angola NY 14006
cell 716-863-3496

Exhibit B

Janet M. Andelora
8801 Lake Shore Road
Angola, NY 14006
(716)549-4511

May 10, 2021

Dear Evans Town Board:

"It takes a village…" I am so grateful that this African proverb clearly depicts our neighborhood along Lake Shore Road, between Lake Street and Hickory Road. This area is blessed with so many wonderful people watching over each other's children, checking on our elderly, and helping neighbors with all kinds of projects. With confidence, I can say that I am not alone in thinking that Gary and Suzanne Andelora are wonderful assets to our "village". Both have been devoted to supporting all of us in such critical ways, over and over, again.

As a nurse, Suzanne has dropped everything to mend us through our mishaps, transport us to emergency rooms, aid in our rehabilitation, and help our parents achieve their peace, before they take their last breaths. She is the first to respond to any emergency and the last to check on the patient. It is not only her knowledge and professionalism which has meant so much to all of us. Suzanne's calm demeanor and soft-hearted compassion have been invaluable sources of comfort throughout our community.

In a different way, while most of the neighborhood is enjoying the beach on a beautiful weekend day, all of us can see Gary Andelora heading to his car in a shirt and tie. As a Roman Catholic deacon, he has given so much of his time to preside over the joys of baptisms and weddings, yet comforted numerous residents through anointing the sick, giving last rites and eulogizing our loved ones at their funerals. Whether joyous or sorrowful, Gary's presence and sincerity has been a base of gratitude for so many of the neighbors.

I am hoping that I have made clear the character and integrity of Gary and Suzanne Andelora. Changes are needed to accommodate their growing family and to make their cottage suitable as a year round residence. They have spent an enormous amount of time with experts to insure that their plans will in no way harm any other property. They have been, and will continue to be, diligent in their efforts to appease anyone with concerns, as they alter the structure. They just want to move back "home" permanently. This is the neighborhood where they both grew up; the area in which they and their families have their roots. I am hopeful that you are able to recognize that their presence would be a true blessing to our "village", not just for a few months, but for all months of many years to come.

Respectfully,

Janet Andelora

Janet M. Andelora

Exhibit C

Law Office of
Ralph C. Lorigo
101 SLADE AVENUE
WEST SENECA, NEW YORK 14224
(716) 824-7200

RALPH C. LORIGO
ROBERT R. VARIO
ROBERT BATTISTA

Facsimile No. (716) 824-8728
(not for service of process)

MARY BETH AQUILINE
FRANK J. JACOBSON
JOSEPH C. LORIGO
JON F. MINEAR*

*Also Admitted in FL

May 11, 2021

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

RE: Gary & Suzanne M. Andelora
Variances for 8812 Lake Shore Road

Dear Chairman Howard Martin
and Zoning Board Members:

Please be advised that I will be representing Mr. and Mrs. Edward J. Voltz, Jr., who are the owners of 8810-A Lake Shore Road, Angola, New York, in their opposition to a variance request by Mr. and Mrs. Gary Andelora to expand their real property at 8812 Lake Shore Road.

My clients have been in Florida but had a friend go to the Building Department to ascertain what exactly the Andeloras wished to do with their property at 8812 Lake Shore Road. While they were unable to obtain a copy of the application, they did obtain copies of surveys. It appears that the Andeloras wish to expand the existing frame two and a half story cottage. Upon information and belief, the existing building is 18.4 feet wide and 34.2 feet deep. It is my understanding that the applicants wish to increase the first floor to 22.4 x 34.2 feet and the second floor 22.4 x 46.2 feet.

This is clearly a substantial change and one that will require three variances pursuant to your Code. It is my understanding that the property is in a R-2 district. Pursuant to Section 200-12C(1)(f)(2) requires combined side yards of 15 feet. It is my understanding that the applicants are seeking a reduction from the 15 feet to 9.6 feet, a 36% reduction. It is further my understanding that they are asking for a variance from Section 200-12C(1)(f)(3) which require minimum one side to be 5 feet and they are requesting it to be reduced to 3 feet, a 40% reduction. In addition, the applicant is requesting a variance from Section 200-12C(1)(f)(4) reducing the rear yard from 30 feet to 11 and/or 5 feet which would be (at 5 feet) an 83.3% reduction and at 11 feet, a 63.3% reduction, again substantial.

Exhibit D

The Voltzs own the property to the rear right which is on the Lake. Their access to Lake Shore Road is the existing distance between the properties.

I am enclosing some picture which show the proximity of the four units. It would clearly be impossible to get emergency vehicles to my clients' property if these variances were, in fact, granted. This is true of ambulances, fire trucks, etc. but also true of large landscaping equipment or other types of utility vehicles to access and maintain the Voltz's property and the other home located at the beach, at 8812-A Lake Shore Road.

Additionally, the granting of the variance would interfere with the right-of-way that the Voltz have maintained for the last 45 years and therefore have a prescriptive easement. Due to several factors, my clients need that type of access in the event there is a need to maintain and repair public utilities and facilities such as sewer, gas, electric, water systems, cable, internet and phone.

My clients would also have a substantial loss in green space and visibility. It would narrow the now appealing and aesthetic view overlooking the lake which has great intrinsic and extrinsic value.

This four unit compound has been maintained for over 100 years and has been marked with neighborly cooperation and accommodation. However, it is very close and tight and the Voltzs are not in favor of granting the variances.

As I am sure all of you are aware, this is a "use variance". As a result, in making the determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variances are granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

Clearly, your responsibility must take into consideration the following:

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 area variance. The extent to which the granting of these variances will negatively impact the character of the neighborhood or surrounding properties is arguably the most important of the five factors. The effects, as noted above, are to be given serious consideration in terms of the impact these variances would have on the remaining properties. We certainly argue that the granting of these variances would, in fact, create an undesirable change and a detriment to the neighborhood;

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. The question here is whether or not the applicant is entitled to enlarge a long-existing cottage when certainly they have other options. They certainly have the right to purchase another property along Lake Shore Road but they would also have the alternative of simply increasing living space by excavating and installing a basement;

3. Whether the requested area variance is substantial. As noted above, the requested area variances are, in fact, substantial deviants from the existing Code. Additionally, in this space, those large percentage variances do, in fact, have a substantial impact on the surrounding properties, including my clients' property. These variances will negatively impact the ability for aesthetics, ingress and egress, ordinary vehicles and emergency vehicles;

4. Whether the proposed variances will have an adverse effect or impact on the physical and environmental conditions in the neighborhood or district. This factor is similar to the first factor. However, impacts to the physical environment may be particularly relevant when the improvements that are subject to the variances could affect, in a negative way, environmentally sensitive land such as my clients' beachfront property. With the rising of the tides, erosion and winds, my clients' property is always subject to environmental issues;

5. Whether an alleged difficulty was self-created. While this, in and of itself, should not be the determining factor, here it is clear that the requested variances are, in fact, self-created. The applicant has owned this property for a number of years, purchased the property in its existing condition, knew exactly what they had over the course of these years and are now simply trying to change not only the format of their property, but the effect of the four units that are tied together in this complex.

For all of the above reasons, we ask that the ZBA deny the variances.

Very truly yours,

RALPH C. LORIGO

RCL:maw
Encs.


Untitled Map
Write a description for your map.
Legend
8812 Lake Shore Rd
8812 Lake Shore Rd
Google Earth
100 ft
N



Zoning at issue May 13, 2021

To: Town of Evans Zoning Board of Appeals

Regarding: Renovations to the Structure at 8812B Lake Shore Rd.

Said structure is on a lot, originally a family lot, with (4) houses on it. My cottage is closest to the house owned by the Andeloras. Being immediately next door, I have no objections to the planned renovations. It will be moved a number of feet towards my cottage with no complaint from me. All of the other (3) three houses on our family lot have at some time had been changed and renovated — I see no reason the Andeloras should not be allowed to change their structure to improve their living conditions and enjoy the Angola we all love.

Sincerely,
Karlene J. Voltz Angiuoni

Exhibit E