Minutes Approved 9/8/21
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July 15, 2021

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

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

Members Absent: T. Spada, J. Kennedy

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 Court room, 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 May 13, 2021.

Mr. Maglich made a motion to approve the minutes from May 13, 2021, seconded by Mr. LaRusso. All in favor, motion carried.

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Lynn M. Krajacic
Town Clerk
Town of Evans

New Business:

Richard H. Herman, 6634 Lake Shore Road, Derby, NY 14047, is requesting to split SBL# 192.15-1-19.1 into 2 lots, in violation of Town of Evans Zoning Law Section 200-11 C (1) (b) [1] minimum lot width abutting a dedicated street.

Applicant is requesting to reduce the minimum lot width area in order to split the existing lot and build a new home. The applicant is requesting to reduce the required minimum lot width from 150' to 80' and 150' to 144.93', in violation of Town of Evans Zoning law section 200-11 C (1) (b) [1] minimum lot width, in order to split the current parcel into two lots; the proposed 144.93' lot will contain the existing house. The applicant would like to build a new home on the proposed 80' frontage lot.

Present for the appeal was Richard Herman.

Mr. Martin, Jr. asked the reason for the subdivision. Mr. Herman stated he wants to build a smaller house on the lot. Mr. Martin, Jr. asked the applicant if he wants to split 80 feet from the current parcel. Mr. Herman stated 80 feet wide and 600 feet in depth. Mr. Martin, Jr. asked if the property line would go through a pool and building. Mr. Herman stated the pool is gone but the building is still there. Mr. Herman stated the lot would include the building.

No one spoke for or against the appeal.

Mr. Maglich made a motion to approve both variances, seconded by Mr. LaRusso.

All in favor:

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

William Kieffer, 6786 Wayne Drive, Derby, NY 14047, is requesting to construct a front porch in violation of the Town of Evans Zoning Law Section 200-12 C (1) (f) [1] minimum front yard setback.

Applicant is requesting to replace and increase the size of his front porch, in violation of the Town of Evans Zoning Law Section 200-12 C (1) (f) [1] front yard setbacks.

The applicant would like to construct a new front porch reducing the minimum front yard setback requirement from 25' to 22.10'.

Present for the appeal was William Kieffer.

Mr. Martin, Jr. asked how large will the porch be. Mr. Kieffer showed the board an architectural drawing. Mr. Martin, Jr. stated he went to the property and the variance is only for 3 feet. Mr. Kieffer stated there is a house located at 6816 that is closer to the road.

No one spoke for or against the appeal.

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

All in favor:

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

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

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

Respectfully Submitted,

Jennifer Renaldo
Secretary