Minutes Approved 12/14/22
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Town of Evans

October 12, 2022

TOWN OF EVANS

REGULAR MEETING
OF THE
ZONING BOARD OF APPEALS

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

Members Absent: C. LaRusso

Also Present: T. Fischione, Code Enforcement Officer, 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. Kennedy made a motion to approve the minutes from June 8, 2022, seconded by Ms. Spada. All in favor, motion carried.

Mr. Kennedy made a motion to approve the minutes from July 13, 2022, seconded by Mr. Maglich. All in favor, motion carried. Ms. Spada was absent and did not vote.

New Business:

Ronald A. Smith, 9239 Carpenter Rd., Eden, NY 14057, is requesting to construct a garage at 7308 Beechwood Rd., SBL# 205.03-1-44, in violation of the Town of Evans Zoning Law Section 200-10 C (2) (b) height of garage, 200-17 A (4) front yard setback & 200-17 A (4) size of accessory structure.

Applicant is requesting to increase the size of an accessory structure from 900 sqft to 1,600 sqft and front yard setback from 40' to 10', in violation of the Town of Evans Zoning Law Section 200-17 A (4) and 200-10 C (2) (b) height of garage from 16' to 20'.

The applicant would like construct a 1,600 sqft garage 20' high, 10' from the front property line.

Present for the appeal was Ronald Smith.

Mr. Smith stated he changed the size of the garage and the height. He is making improvements to the property. Mr. Martin, Jr. stated the applicant was here in August for a larger building and the same front yard setback. He stated the board does approve garages lager than 900 square feet but not ones of this size.

Dale and Kathy Marriott, 7304 Beechwood Rd spoke against the appeal.
Carol Matson, 7311 Beechwood Rd spoke against the appeal.
Teresa Watts, 7296 Beechwood Rd spoke against the appeal.

Mr. Smith stated there are large buildings in the area. Mr. Martin, Jr. stated he still has concerns about the size and height of the garage. He stated the board has concerns regarding the character of the neighborhood.

Mr. Martin, Jr. made a motion to deny the height and size of the building seconded by Mr. Kennedy.

All in favor:

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

Mr. Maglich made a motion to approve the front yard setback, seconded by Mr. Kennedy.

All in favor:

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

Mary Margaret Sawicki, 898 Johnson Ave., Angola, NY 14006, is requesting to construct a garage, in violation of the Town of Evans Zoning Law Section 200-17 A (4) size of accessory structure and 200-10 C (2) (b) height of structure.

Applicant is requesting to increase the size of an accessory structure from 900 sqft to 1,200 sqft, in violation of the Town of Evans Zoning Law Section 200-17 A (4) and 200-10 C (2) (b) height of garage from 16' to 17.6'.

The applicant would like to construct a 1,200 sqft garage 17.6' high to store their RV, along with the equipment to maintain their property. This parcel is split zoned, the front is R1 and the rear of the property is zoned RR.

Present for the appeal was Mary Margaret and Renee Sawicki.

Ms. Sawicki stated they have made the garage smaller than a prior appeal. Mr. Martin, Jr. stated the report only has a 1,200 sqft garage not including the overhangs. He asked does the covered porch need to be included in the appeal. Mr. Fischione stated yes, the size will be 42' x 40'. Mr. Martin, Jr. stated the board would consider that size. Mr. Maglich stated the garage would be proportional to the property.

No one spoke for or against 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, absent
Mr. Maglich, aye
Mr. Kennedy, aye

Karen Erickson, 8991 Iroquois St., Angola, NY 14006, is requesting to reduce the minimum lot frontage on a dedicated street at 8408 Lake Shore Rd., SBL# 220.00-1-26, in violation of the Town of Evans Zoning Law Section 200-10 C (b) [1].

Applicant is requesting to rezone the former Village of Angola Water Plant parcel from Recreational Facility to Single Family residential (R1), in order to sell the parcel as a buildable lot for a single family home. A variance is required for the frontage on a dedicated street in a R-1 District, in violation of Town of Evans Zoning Law Section 200- 10 C (b) [1] width on a dedicated street.

The applicant is requesting a rezone through the Planning Department, which also requires a variance for frontage on a dedicated street reduced from 90' to 20'.

Present for the appeal was Karen Erickson.

Ms. Erickson stated she wants to change the zoning to R1 in order to put a house on the property.

Mr. Martin, Jr. read into record a letter from the Planning Board recommending the approval of the variance.

Mr. Martin, Jr. asked where the property was located. Ms. Erickson stated the property is on Schwert and the driveway will only access one property and it is a dead end road. Ms. Spada stated the frontage is not 20' and is 26' per deed. Mr. Martin, Jr. stated the request is for 20'.

Ed Conboy, 8168 Hillside St questioned the frontage and according to Erie County map, Schwert ends before this property and is parkland.

William Smith, Director of Planning stated there was research done and Schwert Rd was originally Old Lake Shore Rd right of way. All addresses along Schwert Rd have Lake Shore Rd addresses. He stated he visited the site and the pavement goes beyond the frontage of this property. Mr. Maglich asked if this goes through parkland. Mr. Smith stated no, there is a gate at the entrance of parkland. He stated Erie County GIS is not always correct.

Mr. Kennedy made a motion to approve with the condition no building is allowed in the 20 foot wide strip, seconded by Mr. Maglich.

All in favor:

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

Respectfully Submitted,

Jennifer Renaldo
Secretary

Dear Zoning Board of Appeals

I object I am against Ronald A Smiths request to construct a garage against Town Codes.

Height of garage 25% above Town Code. Illegal
Front yard setback 300% above Town Code. Illegal
Size of garage 77% above Town Code. Illegal

Sincerely
The Matsons
7311 Beechwood Dr
Derby, NY. 14047

RECEIVED
OCT - 6 2022
Building Department

Exhibit A

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

October 11, 2022

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 Karen Erickson for the rezone of 8408 Lake Shore Road from Recreational Facility (RF) to Single Family Residential (R-1), please be advised that the Planning Board voted unanimously to recommend the proposed rezone to the Town Board contingent on the condition that the applicant receive approval of the following area variance from ZBA:

- Section 200-10. C.(1)(b) Minimum width abutting a dedicated street: 90 ft. required, 26 ft. provided.

The Planning Board does not object to the rezone for reasons that it will constitute the potential use of an underutilized property, and it is not anticipated to result in any significant adverse impacts to the surrounding community. However, the Planning Board has required that a variance be acquired so that the action does not result in the creation of a nonconforming lot within the R-1 District. According to the survey provided by the applicant, the property fronts approximately 26 feet along the western line of the Old Lake Shore Road right-of-way, with the portion of which leading to the entrance of the property having been paved and dedicated as Schwert Road as listed in the inventory of Town roads.

The Planning Board understands that the property is the site of the former Village of Angola water treatment facility; therefore, an investigation of the subsurface of the site for existing infrastructure will need to take place prior to permitting of any future residential development. In addition, proper access for fire and emergency vehicles will need to be demonstrated and maintained by the property-owner before a residential building permit can be issued by the Code Enforcement Officer. The applicant has been made aware of these conditions.

If successful in receiving the area variance from the ZBA, the proposed rezone will go before the Town Board at a public hearing set for October 19th at 7:10PM. Thank you for your consideration of the Planning Board's recommendation on this action. Please review this letter with your fellow members of the ZBA, and do not hesitate to contact me with any questions.

Sincerely,

William Smith

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

Cc'd:

Donald Maglich
Tracy Manguso
John Kennedy
Christopher LaRusso
Anne Sellers
Joseph Pinter
Michael Connors
Donald Schiedel
Lori Szewczyk
John Wilson
Karen Erickson