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June 14th, 2023

RECEIVED
JUL 13 2023
Lynn M. Krajacic
Town Clerk
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. Flading, Building Inspector, 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.

New Business:

Patrick Zydel, 8160 Hillside St Angola, NY 14006 is requesting to construct an Addition to existing structure, in violation of the Town of Evans Zoning Law Section 200-10 C (1) (C) [3] minimum side yard setback and 200-10 C (1) (C) [2] combined side yard setback.

Applicant was already conditionally approved from last meeting, pending there was a repost in the legal paper.

No one spoke in favor or against the variance.

Mr. Martin, Jr. confirmed that last meetings approval would carry and go into effect.

Bruce Barratt, 1647 Overhead Rd, Derby NY 14047, is requesting to construct a pole barn, in violation of the Town of Evans Zoning Law Section 200-17 A (4) size of an accessory structure.

The applicant altered the overall sqft from 2480sqft to 1456sqft. The applicant made the building narrow and removed an attached carport that was on the side.

Present for the appeal was Bruce Barratt.

Mr. Martin, Jr. brought up the original worry of the building being too large for the narrow lot Mr. Barratt is in but, thanked him for altering the size to conform better.

Steve Barratt 1641 Overhead Rd, Derby NY 14047 Spoke in Favor of the Variance

Joseph Evans 1657 Overhead Rd, Derby NY 14047 Spoke in Favor of the Variance.

Mr. Martin, Jr. 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, aye

Joseph Waz, 414 Roat Dr Angola, NY 14006 is requesting to build a carport, in violation of the Town of Evans Zoning Law Section 200-10 C (2) (a) [2] accessory structure from side lot.

Present for the appeal was Joseph Waz

Mr. Waz is requesting to extend the roof off his existing garage to create and open carport over his driveway.

Edward Dudek 412 Roat Ave, Angola NY 14006 had no objections against the variance but, wanted to know about drainage. He was concerned that Mr. Waz's property is higher than his and did not want increased water onto his property.

Mr. Flading mentioned that it would not be a concern because the same amount of rain is going to fall on that spot either way. He would also address Mr. Dudek during normal business hours in the Code Enforcement office.

Mr. Martin, Jr. closed the public discussion, and opened up the board for discussion.

Mr. Maglich brought up making sure that the carport did not become enclosed.

Mr. LaRusso motioned to approve the variance, Mr. Kennedy seconds with the condition that the structure will not have enclosed walls.

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

All in favor:

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

Respectfully Submitted,

Alex Haley
Secretary

RECEIVED
JUN 08 2023
Lynn M. Krajacic
Town Clerk
Town of Evans

From: Kimberly Frost
Sent: Thursday, June 8, 2023 8:40 AM
To: John Flading
Subject: Bruce Barratt Variance - Overhead Road

Good Morning John,

On behalf of my husband and myself, we would like to speak **in favor** of Bruce building a pole barn on his property. It is the charm of this area to have a pole barn or additional structure on ones property. We will be unable to make the meeting scheduled for 6/14 due to another conflict but please pass this along.

We live at 1637 Overhead Road – Derby, NY 14047

Please let me know if you have any questions.

Thank you,
Kimberly & Matt Frost

KIMBERLY FROST
Supervisor - Field Operations

[redacted]

C.H. ROBINSON
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Exhibit A