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January 10th, 2024

TOWN OF EVANS

REGULAR MEETING OF THE ZONING BOARD OF APPEALS

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

Members Absent: J. Kennedy

Also Present: P. McSkimming, Assistant Code Enforcement, J. Flading 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.

New Business:
Steven Greenauer, 1475 Wisconsin Rd, Derby, NY 14047, is requesting to erect a pole barn on the west side of the R-1 zoned property, in violation of the Town of Evans Zoning Law Sections 200-10(C)(2)(b) maximum height of accessory structure of 16 ft, and 200-17(A)(4) maximum square footage of an accessory structure is 900 square feet.

The applicant was present to speak for the variance.

Mr. Greenauer wants to build a 30X40X14ft pole barn to be able to park his truck inside. Stated that the one he has now is too small and barley fits a small car.

Mr. Maglich confirms the size of the lot at 5.5 acres.

Mr. Flading stated that this lot is unique in that the back half of the house is RR and the front half is R-1. We have to go off of the most restrictive guidelines but, if it was just RR it would not need a variance.

No one spoke in favor or against this appeal.

Mr. Martin closed the public discussion and opened the board for discussion.

The board confirms that the structure would not change the surrounding area and would not need to be here if the lot was not divided.

Mr. Maglich makes a motion Approve the variance Ms. Spada seconds.

All in favor:

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

Nicholas Sabal, 1442 Cain Rd, Angola, NY 14006, is requesting to construct an attached garage in an AOS zone, in violation of the Town of Evans Zoning Law Section 200-8.1(C)(1)(d) minimum side yard setback of 35 feet.

The applicant was there to speak for the variance.

Mr. Sabal explains that this is the only spot it would make sense to build this garage.

Mr. Maglich confirms fire resistive drywall because it is against living space, Mr. Sabal agrees and says that he is a co-owner of a construction company so he will be complying with Code.

No one spoke in favor or against this appeal.

Mr. Martin closed the public discussion and opened the board for discussion.

Mr. LaRusso, makes a motion Approve the variance. Mr. Maglich seconds.

All in favor:

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

William and Rebecca Hamm, 306 East Sterling, Angola, NY 14006, is requesting to construct an accessory structure, in violation of the Town of Evans Zoning Law Section 200-17(A)(4) maximum square footage of an accessory structure is 900 square feet.

William Hamm was present for the variance.

Mr. Hamm explained that he needs it 30X40 due to the size of his and his son's trailers. It will have open sides not enclosed just wants to keep the snow off the roofs.

No one spoke in favor or against this appeal.

Mr. Martin closed the public discussion and opened the board for discussion.

Mr. Maglich explains that there are not a lot of large garages down in that area, Mr. Martin Jr. says that there is if you extend the search.

Mr. Maglich makes a motion Approve the variance with the condition that the two lots be merged. Mr. Martin Jr. seconds.

All in favor:

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

Mr. Martin Jr. made a motion to adjourn, seconded by Mr.LaRusso.

All in favor:

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

Respectfully Submitted,

Alex Haley
Secretary