Minutes Approved: 3/13/2024
Distributed: 3/14/2024

February 14th, 2024

TOWN OF EVANS

REGULAR MEETING
OF THE
ZONING BOARD OF APPEALS

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

Members Absent: T. Spada

Also Present: 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:
Nicholas Brumagin 363 Taft Ave Angola, NY 14006, is requesting to erect a Pole Barn on the west side of property R-2 lake Erie beach zone, in violation of the Town of Evans Zoning Law Sections 200-10-C(2)(b) maximum height of accessory structure of 16 ft , 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. Brumagin wants to build a 1500sqft and 17ft high pole barn to be able to park his boat and RV inside. He stated that he had stuff stored at his grandfather's place and he passed away so now he wants to have them at this house.

Mr. Maglich advises that 1500sqft is unusual and that usually if 900sqft doesn't work they propose 1200sqft.

Mr. Brumagin brought pictures and advised that there are houses in the surrounding area that has pole barns at 1500sqft or larger.

Mr. Flading stated that the addresses in the pictures where in a different zoning location that him, and that the lots are different.

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 change the surrounding area if granted at the 1500sqft size. They agreed that if they approved 1500sqft it could cause people in the area with smaller lots to try and build something.

Mr. Maglich makes a motion approve the height of the building, but conditionally approves the size of the building to 1200sqft not the proposed 1500sqft. Mr. LaRusso seconds.

All in favor:

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

Margaret Farrell 60 Pinewoods Tonawanda NY 14150, is requesting to construct 2 decks of structure at 606 Fulton Ave Angola, NY 14006 , in violation of the Town of Evans Zoning Law Sections 200-12 C(1)(f)(1) front yard setback of minimum 25 ft, 200-12 C(1)(f)(2) combined side yard setback of 15 ft, and 200-12 C(1)(f)(4) rear yard setback of minimum 30ft.

The applicant's son Brian Farrell was present on ZOOM to speak for the variance.

Mr. Farrell explains that his mother bought the cottage in 2020 and has been fixing it up. Because of the size of the lot, he would need a variance to do anything, he would like the side deck to give entrance into the side of the house.

Mr. Maglich confirms that with these variances there would still be room to park? Applicant confirms.

Tom and Marry Aldrich 5435 Shadyside Dr Clarence, NY 14031 spoke against the side yard setback for this variance.

Mr. & Mrs. Aldrich stated that on the side of his property there is a Rockwall that would be compromised if the started digging for a deck. Also, that the deck would run the side of their home that would be the bathroom, kitchen, and bedroom windows.

Mr. Farrell respected their concerns and explained that he would be willing to go 8ft wide instead of 10ft wide to preserve the wall and give more space.

Mr. Flading states that the deck would only be going 14ft down the house and not the entirety of it and going off the rear of the house.

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

The board looks at pictures that were submitted by Mr. Aldrich and point out the area of the property is unique and that it is always going to trigger a variance to build anything.

Mr. Kennedy, makes a motion to conditionally approve the variance. The conditions being the side yard deck be limited to 8ft wide, and the integrity of the wall is kept. The front deck was approved. Mr. Maglich seconds.

All in favor:

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

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

All in favor:

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

Respectfully Submitted,

Alex Haley
Secretary