

VILLAGE OF SPRINGVILLE  
MINUTES OF THE MEETING OF ZONING BOARD OF APPEALS

September 14, 2022

7:00 P.M.

A meeting of the Zoning Board of Appeals of the Village of Springville was held virtually at the above date and time.

Present were:

Chairman:	Joe Wolniewicz
Members:	Kate Moody Jamie Raynor Kimberly Krzemien Bob Laskowski
Also Present:	Brad Glass, Applicant
Building Inspector/CEO:	Mike Kaleta
Clerk:	Kellie Grube

Chairman Wolniewicz called the meeting to order at 7:03 p.m. to hear the petition of Brad Glass, 108 Myrtle Ave., Springville, New York, SBL 335.20-6-21, **File #9991** for an Area Variance for setback. In a R8.5 District the minimum setback distance is five feet.

Due to the applicant's property being located within a R8.5 District the applicable section for File #9991 of the Village Code is:

**§ 200-10 B in Residence Districts, (2)**

**Accessory buildings or structures may be located in the minimum required rear yard, provided that such building or structure may be located in the minimum required rear yard, provided that such building or structure shall not exceed 20 feet in height and, further, that it be setback from any side or rear lot line the following minimum distances: (a) In a R8.5 District, five feet.**

At 7:04 pm, Chairman Wolniewicz opened the Public Hearing.

Applicant, Mr. Brad Glass was present to answer any questions that the Zoning Board of Appeals may have. Mr. Glass stated that he would like to demo his existing garage located five plus feet away from the property line in his rear yard and erect a new, larger garage that would be approximately two feet closer to the property line and would encroach the setback requirement. Mr. Glass said that the additional he will acquire will be used for much needed storage that he is lacking. Due to the placement of his rear deck and pool he has no other options other than using space from the setback.

Member Bob Laskowski stated that he wasn't comfortable with the applicant stating approximately two feet. Mr. Glass assured the Board that it would be no more than two feet.

With there being no further questions, lead agency for the SEQR review was the Village of Springville Zoning Board of Appeals. A declaration was determined that this request is a Type II, requiring no further discussion.

At this time, the Zoning Board of Appeals went over the factors considered in their decision:

**FACTORS CONSIDERED:**

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes 1 No X(4)
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes 0 No X(5)
3. Whether the requested variance is substantial: Yes X(4) No 1
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes 0 No X(5)
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance: Yes X(3) No 2

**DETERMINATION OF THE ZONING BOARD OF APPEALS BASED ON THE ABOVE FACTORS:**

The benefit to the applicant DOES outweigh the detriment to the neighborhood or community. With keeping in mind that the Variance is within the character of the neighborhood and doesn't impact the environment, the variance request is ***approved***. It was further added that the Zoning Board of Appeals feels that this situation was not self-created by the applicant.

**RECORD OF VOTE**

MEMBER NAME	AYE	NAY	NO VOTE
JOE WOLNIEWICZ	<u>  x  </u>	<u>      </u>	<u>      </u>
BOB LASKOWSKI	<u>  x  </u>	<u>      </u>	<u>      </u>
KATE MOODY	<u>  x  </u>	<u>      </u>	<u>      </u>
JAMIE RAYNOR	<u>  x  </u>	<u>      </u>	<u>      </u>
KIM KRZEMIEN	<u>  x  </u>	<u>      </u>	<u>      </u>

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With there being no other Public Hearings this evening, Chairman Wolniewicz asked the Members if there were any changes or concerns with the February 9, 2022 meeting minutes.

With there being none, Chairman Wolniwicz made a motion to approve the minutes. All in favor, none opposed.

At 7:17 p.m., Chairman Wolniewicz made a motion to adjourn the meeting, all in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube