

ZONING BOARD OF APPEALS

The hearing on Tuesday, November 9th, 2021, is called to order by Chairman Kwiek at 7:00pm.

Members present: Ron Carey
John Johnston
Robert Schafer
Harry Kwiek

Also: Ray Balcerzak, Bldg. Inspector
Phyllis Todoro, Town Atty.

Absent: Greg Kalinowski
Shawn Pralow

Appeals Case #1405 for Jon Miller of 1199 Girdle Road, Elma, NY who is requesting a variance to build an addition to his detached garage with less than the required rear yard setback §144-99 C6, Residential C.

Jon Miller was present to explain the details on the detached garage and that for him to request a survey of the property would take a while for someone to come out and complete the survey.

Mr. Miller provided additional pictures and had the building department come out and take measurements of the back property line.

Mr. Carey asked about the dimensions that were submitted and if the 5'2" would be for the overhang on the roof. The reply was yes.

No one spoke in favor of or against the variance.

Mr. Johnston made the motion to approve Appeals Case #1405 for Jon Miller of 1199 Girdle Road, Elma, NY who is requesting a variance to build an addition to his detached garage with less than the required rear yard setback §144-99 C6, Residential C noting the following criteria:

- 1) An undesirable change would not be known.
- 2) The benefit could not be achieved another way.
- 3) The request is not substantial.
- 4) The request would not have an adverse physical or environmental effect.
- 5) The alleged difficulty is not self-created in this case.

Seconded, Mr. Schafer Yes - 4

Appeals Case #1406 for Todd Huber of 6250 Seneca Street, Elma, NY who is requesting a variance to construct a garage with a second-floor apartment that will be attached to the existing house with less than the required front yard setback and less than the required setback for parking and is a non-conforming lot §144-78D; §144-79 C1 and §144-10B, C-1.

Todd Huber was present and explained that the house has always been that close to the road. Todd had old photos of what the area looked like years ago and explained that the lot size is what it has always been and that he would like to change the home from a single-family home to a two-family residence.

Mr. Kwiek asked if the front was going to be green space and Mr. Huber said it would have planters if anything. Mr. Kwiek noted that there is nothing that Mr. Huber has created that will change the property, that it is the way it has always been.

Mr. Carey asked if there was any thought to knocking down the building and building a new house further back. The reply was no. Mr. Carey asked about the front yard setback and will be 20ft from the right of way. Mr Carey also asked about the new garage and if it would only have one living space above it and was advised that he was correct.

Mr. Carey also asked the size of the garage and was informed that it would be 24x30 for the new garage. Mr. Carey asked about the garage and if it was a back entrance garage and was told yes and that it will hold two cars.

Mr. Huber would like to have some old-style gas tanks placed in the front of the house but advised they would be close to the building.

Mr. Schaefer asked about the gas pumps and where exactly they would be located, and Mr. Huber pointed out the area next to the front window. Mr. Carey asked about the breezeway, and it is permanent.

Mr. Johnston asked if the driveway is to the left and was told it would be. Mr. Carey asked how far off the boundary line and was advised it is 2 feet away.

No one spoke for the variance.

Against: Tom Anderson 171 Northrup Road
Jackie Coons 6241 Seneca Street

Mr. Huber addressed the septic issue and stated that he will follow Erie County guidelines.

Mr. Carey made a motion to approve Appeals Case #1406 for Todd Huber of 6250 Seneca Street, Elma, NY who is requesting a variance to construct a garage with a second-floor apartment that will be attached to the existing house with less than the required front yard setback and less than the required setback for parking and is a non-conforming lot §144-78D; §144-79 C1 and §144-10B, C-1 noting the following criteria:

- 1) An undesirable change would not be known.
- 2) The benefit could not be achieved another way.
- 3) The request is not substantial.
- 4) The request would not have an adverse physical or environmental effect.
- 5) The alleged difficulty is not self-created in this case.

Seconded by Mr. Johnston Yes - 4

Appeals Case #1407 for Mark and Lisa Phillips of 8070 Clinton Street, Elma, NY who are requesting a variance to amend the 1975 variance for case #293 that created a flag lot §144-10B, Residential C.

Mark Phillips was present and explained how he would like to change the property lines to give his property 15 more acres for his family to keep as green space.

Mr. Kwiek stated there is a driveway near the property that seems to be gravel and asked if there is currently a house on the property. He was informed that there was.

Mr. Johnston asked if a family member lived in the house on the flag lot and no, currently the house is empty.

For the variance were Jeff and Megan who are purchasing the property. No one spoke against the variance.

Mr. Schafer made a motion to approve Appeals Case #1407 for Mark and Lisa Phillips of 8070 Clinton Street, Elma, NY who are requesting a variance to amend the 1975 variance for case #293 that created a flag lot §144-10B, Residential C noting the following criteria:

- 1) An undesirable change would not be known.
- 2) The benefit could not be achieved another way.
- 3) The request is not substantial.
- 4) The request would not have an adverse physical or environmental effect.
- 5) The alleged difficulty is not self-created in this case.

Seconded by Mr. Carey Yes - 4

Motion to accept the minutes from October 12th, 2021, by Mr. Carey. 2nd by Mr. Johnston

Motion to adjourn at 8:09 pm by Mr. Johnston, 2nd by Mr. Carey

Respectfully Submitted,

Kerry Galuski
Zoning Board Secretary

