

## ZONING BOARD OF APPEALS

The hearing on Tuesday, August 14, 2012 was called to order by Chairman Schafer at 7:01 PM.

Members present: Harry Kaczmarek                      also: Ray Balcerzak, Bldg Inspector  
                         Michael Komorek    Phyllis Todoro, Town Attorney  
                         Greg Kalinowski     Harry Kwiek, alternate  
                         Donald Trzepacz  
                         Robert Schafer, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case # 1211 for Leonard Polchlopek, 79 E. Jerge Drive, Elma, who is requesting a variance to build a sun porch on the existing deck that is less than 10 feet from the property line §144-97 C4 residential A.

Chairman Schafer called the case to order. Leonard Polchlopek was present and informed the board that he put a sun porch up on the existing deck that is less than 10 feet from the property line. Mr. Polchlopek said the deck was already on the home when he bought it. Mr. Schafer stated that he never came to the Town for a permit when the sun porch was put up. Mr. Polchlopek informed the board that he checked with the previous owner and was told he did not need a permit to put up the sun porch. Mr. Polchlopek realized he should not have checked with the previous owner on if he needed a permit or not. The reason he is before the board is that he realizes he needs a variance due to the sun porch being less than 10 feet from the property line and also that he is in the process of selling the house. Mr. Trzepacz asked who constructed the sun porch and what kind of foundation is under the deck. Leonard advised that there are concrete footers under the deck. Mr. Komorek asked how old the deck is and was informed it has been there since Leonard bought the house 12 years ago. Mr. Kalinowski asked when the sun room was constructed and was informed it was in March 2010. The assistant building inspector Ray has gone to the home to view the sun porch. Mr. Kalinowski asked about the survey being from January 2000 and was informed that a new survey was just done but Mr. Polchlopek does not have a copy yet.

A letter from Rae Grahner was read in favor of the project and no one spoke against the case.

Mr. Komorek made the motion: In the matter of Appeals Case # 1211 for Leonard Polchlopek, 79 E. Jerge Drive, Elma, who is requesting a variance to build a sun porch on the existing deck that is less than 10 feet from the property line §144-97 C4 residential A this is written confirmation of the decision reached by the Board at the August 14, 2012 hearing.

The motion was made, seconded and passed that the variance be approved based on the drawings submitted including but not limited to the survey dated January 2000 and that all Town of Elma building codes shall be adhered to. Seconded by Mr. Trzepacz. Poll vote – 4 ayes, 1 nays. Mr. Kalinowski voted no. Motion carried.

Mr. Trzepacz has had numerous complaints about things happening in town. The first was an octagon structure that was put up on the corner of Rice and Bowen. There may be multiple zoning issues with the garage. It is the second detached garage on the property. Mr. Trzepacz asked when a building permit was issued for the garage. There are numerous people complaining about the size and the location of the garage. Some of the zoning codes involved are: 144-17 B11; 144-45-2 and 144-5-1 along with others. Mr. Trzepacz said there are other issues in Town as well that have come up.

The minutes of the last meeting on May 8, 2012 were approved.

The meeting was adjourned at 7:38 PM.

Respectfully submitted,

Kerry A. Galuski  
Secretary-Clerk