Town of Shelby Zoning Board of Appeals
Board Meeting
Shelby Town hall
4062 Salt Works Rd
Medina, NY 14103
August 22, 2017

Board Members Present:

Craig Lacy

Chairman

Patti Bushover

Secretary

Thurston Dale Larry Szatkowski

Others Present: None

Call to Order: Chairman C. Lacy called the Business Meeting to order at 7:14 p.m.

Voice roll call was taken by P Bushover. P Bushover reported that there was a

quorum present. Linda Fuller were excused.

Old Business: Chairman C. Lacy Called for Old business:

First Order of Old Business: No Old Business

New Business: Called for New business:

First Order of New Business: is to consider the application for variance 17-04 to allow a 23' side set back to allow for the placement of a metal care port C. Lacy asked the ZBA to consider the five factors and state their findings. (See Attachment #1)

After considering the Five Factors C. Lacy called for a motion. Thurston Dale made a motion to grant the variance the side set back of 30' for the placement of a metal carport Larry Szatkowski seconded the motion. The motion passed by a unanimous roll call vote.

Reasons being: it will cause no detriment to the health, safety, and welfare of the area. The ZBA farther finds, 30'variance from Town Zone Code 510 (E) is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health and safety of the community.

No SEQAR was needed because this request is a Type 2, variance request. Meeting adjourned at 7:30.

Next Meeting: As Needed Chairman Lacy will notify ZBA members. Respectfully Submitted Patti Bushover Secretary ZBA September 13, 2017 Variance 17-04

ZONING BOARD OF APPEALS AREA VARIANCE FINDINGS & DECISION

Applicant: Ronald D. Houseman

Appeal Concerns Property at the following address:

10796 West Shelby Rd Medina, NY

County Tax Map Section: 112. Block:-1 Lot: 49.1

Zoning District Classification: A/R

Application No. AV- 17-04

Date of Application: 7-28-17

(Postmarked or Hand Delivered)

Date of Public Hearing: 8-22-17

Date notice Published: 8-15-17

Date of County Referral: N/A

Date of Final Action: 8-22-17

Date of Filing Decision with the

Municipal Clerk: 8-23-17

Requirements for which Variance is Requested: 23'

Applicable Section of Town Zoning Code: Section 510 E

TEST: No area variance will be granted without a consideration by the board of the following factors:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: YES NO X

Reasons: Rural setting car port is within character of area.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: YES NO X

Reasons: Car port will be located on current driveway.

3. Whether the requested variance is substantial: YES X NO

Reasons: 23' Requested

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: YES NO X

Reasons: A line of pine trees now separate the applicant's property with that of his neighbors and his driveway is currently already there.

5. Whether the alleged difficulty was self-created: YES **X** NO Reasons:

DETERMINATIONS OF ZBA BASED ON THE ABOVER FACTORS:

The ZBA,	after tal	king into	consideration	n the	above	five f	factors,	find 1	that:

____ the benefit to the Applicant DOESNOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

___X__the benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community

Reasons: No impact to area or neighbors.

The ZBA further finds that a variance of 23' from Section 510 E of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because.

This will allow applicant to proceed with his request without encroaching any closer to his neighbor than his driveway already is.

The variance will have no impact on the above.

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impact upon the neighborhood or community, for the reasons following:

Condition No. 1:

Adverse impact to be minimized:

Condition No. 2:

Adverse impact to be minimized:

Craig Lacy
Chairman Zoning Board of Appeals

08-22-17 Date

RECORD OF VOTE

	MEMBER NAME	AYE NAY	7
Chair	Craig Lacy	X	
Member	Patti Bushover	X	
Member	Thurston Dale	X	
Member	Larry Szatkowski	X	
Member	Linda Fuller	Excused	