

Board Meeting
Zoning Board of Appeals
Shelby Town Hall
4062 Salt Works Rd
Medina, NY 14103
April 25, 2022

ZBA Board Members Present: Patti Bushover Secretary
Larry Szatkowski
Sharlene Pratt
Marian Fry

Others Present:

Call to Order: Secretary P. Bushover called the meeting to order at 2:15 p.m.

Four ZBA members present with Chairman C. Lacy being excused.

Call for Old Business: Secretary Bushover called for old business no old business.

Call for New Business: Secretary Bushover called for new business

First order of new business was the concertation of the five factors for Var. 22-02

For Michael P. Cochrane requesting a front set back variance for 14' for the construction of an 8' by 28' front porch at 10572 West Shelby Rd Medina NY.*

P. Bushover asked the ZBA to consider the five factors and state their findings. (See Att.1)

After considering the Five Factors P. Bushover called for a motion. Sharlene Pratt made a motion to grant the variance to allow the applicant to construct an 8' by 28' by porch at the purposed site Marian Fry 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. This is a type II SEQAR

Secretary Bushover called for more new business hearing none the meeting was adjourned at 2:00 pm

Next meeting will be called as needed.

Respectively submitted

04/26/22

Patti Bushover

Secretary ZBA

*Please note correct address Middleport

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: Michael P. Cochrane

Appeal Concerns Property at the following address:
10572 West Shelby Rd Middleport
County Tax Map Section: 343689 Block: 111 Lot: 1-9
Zoning District Classification: Hamlet

Application No. AV-22-02
Date of Application: 3-25-22
(Postmarked or Hand Delivered)
Date of Public Hearing: 4-25-22
Date notice Published: 4-17-22
Date of County Referral: N/A
Date of Final Action: 4-25-22
Date of Filing Decision with the
Municipal Clerk: 4-25-22

Requirements for which Variance is Requested: 14ft. front set back variance for the construction of an 8' by 28' front porch

Applicable Section of Town Zoning Code: Section 500

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: **The porch will improve the looks of the house and is not out of character with the neighborhood.**
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: YES NO **X**
Reasons: **The porch could not be built anywhere else.**
3. Whether the requested variance is substantial: YES NO **X**
Reasons: **it is less than 50% of the required 50'**
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: YES NO **X**
Reasons: **Would improve area**
5. Whether the alleged difficulty was self-created: YES **X** NO
Reason: **Owners wanted a porch**

DETERMINATIONS OF ZBA BASED ON THE ABOVER FACTORS:

The ZBA, after taking into consideration the above five factors, find 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:

The improved look of the property and safety of the owners allowing another safe exit from the house.

The ZBA further finds that a variance of **14'** from **Section 500** 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.

Reasons: **There would be no change in the character of the neighborhood. There are other homes that have porches.**

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:

**Patricia Bushover
Secretary, Zoning Board of Appeals**

Date 04-25-22

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	Craig Lacy	Excused	
Member	Patti Bushover	X	
Member	Larry Szatkowski	X	
Member	Sharlene Pratt	X	
Member	Marian Fry	X	

Legal Notice

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town Shelby will hold a Public Hearing Monday April 25, 2022 at 1:30 p.m. at the Shelby Town Hall, 4062 Salt Works Road Medina, New York on the application of Michael P. Cochrane for an Area Variance from the requirements of Town of Shelby Zoning Ordinance Section 500 relative to property located 10572 West Shelby Rd, Medina*, New York. The applicant is seeking a 14 ft. front setback variance to build an 8 ft. by 24 ft.** attached front porch. The property is currently located in a Hamlet. The Proposed Action has been classified as a Class II under SEQRA.

At such Public Hearing, all persons, either for or against the same, shall be heard. Comments may also be submitted in writing to Patricia Bushover, Secretary Shelby Zone Board of Appeals c/o Shelby Town 4062 Salt Works Road, Medina NY 14103, not later than 12 00 noon on Friday April 22, 2022. The application and supporting information may be examined prior to the Public Hearing at the Town Hall during normal business hours.

By order of the Zoning Board
Patricia Bushover, Secretary
Shelby Zoning Board of Appeals

***Please Note Correct Address is Middleport**

****Please Note the porch measurement should be 8' by 28' corrected by ZBA board 4-25-22 at Public Hearing.**