

October 18, 2022

The regular meeting of the Town of Chautauqua Zoning Board of Appeals

Opening:

The regular meeting of the Town of Chautauqua Zoning Board of Appeals was called to order at 3:30 pm, on Tuesday, September 20, 2022, by Zoning Chairman, Troy Smith.

Board Members Present:

Troy Smith, Chairman, Rick Syper, William (Bill) Titus, Roberta Tenpas, & Charlie Krause

Board Members Absent: Stan Marshaus

Others Present: Ken Shearer, Jeff Paddock, Nicole Yacklon, Daniel Saunders, Nicholas Andriaccio.

Agenda:

Case No. 1:

To act on the appeal concerns of Daniel Saunders to build a private garage in a Residential Lakeside district. Property is located at 4220 W. Lake Road Mayville, NY 14757, and is designated on the official Chautauqua County Tax map as Section 314.12, Block 1, Lot 1, which requires a Variance.

Public Comments: None

Board Comments: None

Requirements for which Variance is Requested: Private garage shall not exceed 775 sq. ft.

Applicable Section(s) of Zoning Code: 143-18D

Findings and Decision were read out loud: By Chairman Troy Smith

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:

Response is. **NO**

Reason: **Adding a single-story wing on each side of existing garage.**

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:

Response is. **No**

Reason: **Any addition to existing garage will exceed allowed 775 sq. ft.**

3. Whether the requested variance is substantial:

Response is. **NO**

Reason: **Lot size is 10+ acres**

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:

Response is. **No**

Reason: Will not have any adverse impact on either of the conditions.

5. Whether the alleged difficulty was self-created: Response is. **Yes**

Reason: Being requested by the owner.

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

The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reason: **Variance will not be a detriment to the neighborhood.**

The ZBA further finds that a variance of, **1391 oversize sq. ft. lot size**, from Sections **143-18D, 143-17B**, of the Zoning Code is the minimum variance that should be granted to preserve and protect the character of the neighborhood and the health, safety, and welfare of the community because.

CONDITIONS: The ZBA finds that the following conditions are necessary to minimize adverse impacts 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:

Motion: Chairman Troy Smith to Approve

Second: Rick Syper

Vote: Chairman, Troy Smith – Yes

Member, Charlie Krause – Yes

Member, William (Bill) Titus – No

Member, Rick Syper – Yes

Member, Roberta Tenpas - Yes

Carried:

Case No. 2:

To act on the appeal of **Nicholas Andriaccio**, in a Commercial business district. Property is located at 4837 W. Lake Road Mayville, NY 14757, and is designated on the official Chautauqua County Tax map as Section 297.00, Block 1, Lot 7, which requires a Variance.

Public Comments: None

Board Comments: None

Requirements for which Variance is Requested: Rear yard set back

Applicable Section(s) of Zoning Code: 143-34D.

Findings and Decision were read out loud: By Chairman Troy Smith

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: Response is. **NO**

Reason: **Only relocating the entryway, no change in structural footprint.**

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Response is. **No**

Reason: **Only relocating the entryway.**

3. Whether the requested variance is substantial: Response is. **NO**

Reason: **Only relocating the entryway.**

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:
Response is. **NO**

Reason: **Will not have any adverse impact on either of the conditions.**

5. Whether the alleged difficulty was self-created: Response is. **Yes**

Reason: **Being requested by the owner.**

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

The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reason: Variance will not be a detriment to the neighborhood

The ZBA further finds that a variance of, **10'5 rear yard setback** from Sections **143-34D.** 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.

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts 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:

Motion: Chairman Troy Smith to Approve

Second: Charles Krause

Vote:

Chairman, Troy Smith – Yes

Roberta Tenpas – Yes

Richard Syper – Yes

Charles Krause – Yes

William (Bill) Titus - Yes

