

## ZONING BOARD OF APPEALS

This hearing on Tuesday May 5<sup>th</sup> called to order by chairman, Harry Kwiek at 7:00PM.

### **Members Present:**

John Jimenez  
Ron Carey  
Greg Kalinowski  
Shawn Pralow  
Harry Kwiek

### **Also Present:**

Phyllis Todoro, Town Attorney  
Ray Balcerzak, Dep Bldg. Insp  
Jennifer Khan, Secretary

### **Members Absent:**

James Lembke, Alternate  
Robert Schaefer, Alternate

**Appeal Case #1501** For Christopher Musilli of 31 Pleasantview Dr East Aurora, NY who was given a continuance to June 2nd for an area variance to build a carport with less than the required side yard setback 144-99 C4 residential C.

The continuance was voted on and passed

**Appeal Case #1502** For Tyler Glasser of 78 Schwartz Rd Elma, NY who is requesting an area variance to build an overhang/lean-to on the side of the house with less than the required side yard setback 144-99 C 4 Residential C.

Mr. Glasser stated that he has an existing patio slab and wants to place an overhang over it. The neighbor Mrs. Vogel approved the side set back. Mrs. Vogel owns the 3 homes 2 in front and one beside Mr. Glasser. A letter stating such was placed in evidence.

Mr Jimenez asked if the existing patio goes right to 4 ft edge. Mr Glasser stated that the post will be behind the patio 6x6 off the header a foot. The overhang will be at least one foot. The patio is at a slight angel. Mr. Glasser believed it would be 6-7 ft from the property line

Mr. Kalinowski stated that based on the survey the furthest point of the property line is 5.25ft the closest would be 4.75 ft. The calculation is the house to the property line subtract width of the structure.

The overhand will be at least a foot. 4.25ft from the property line.

Mr. Kwiek asked if walls will be placed on the lean-to? Mr. Glasser explained there are no plans to add walls.

Mr. Pralow asked if the lean-to will be placed into the gambles. Mr. Glasser stated no it will be a height of 9 ft.

There was no one present in favor of the variance.

There was no one present against the variance.

Mr. Jimenez motioned to approve the variance for these reasons. There other homes in the area have a similar side set back and are near the property line. The request would not have any adverse physical or environmental changes to the neighborhood.

The benefit cannot be achieved by another means due to the existing concrete slab.

The request is not significant. Having the approval of the neighbor that owns 3 house Infront and beside Mr. Glasser house helps.

The hardship is self-created.

There is no hardship due to the lay of the land.

Mr. Kalinowski. Seconded and the motion. The motion was approved.

5 Yays,0 Nays

**Appeals case #1503** for Marc Croce of 1161 Stolle Rd Elma, NY. Who is requesting an area variance to build a garage/ shed on the property with less than the required side yard setback 144-98 c 4 residential B

Mr. Croce stated there was variance to the original request the building is 28 ft wide x 32 ft deep and 12 ft further back and to the right. 4-5 ft from the property line

Originally the building was going to be 24 but coming back 10 feet. The side setback is the same.

The measurements are 150 ft for the home the 2 units and garage subtract 44 ft for the other side. The request is really 3 feet.

Mr. Croce stated he is willing to shift it over another 2 ft. the master bedroom window is in the back Mr. Croce doesn't want to cover it but there is room to move it over,

The building can not be built on the other side of the property due a 6 ft grade.

The closeness of the neighbor's driveway.

The neighbor which is slightly behind has a 2 ft grade they are concerned about drainage problems.

Mr. Jimenez asked about generator A/C unit that are located in the rear. Mr. Croce will be removing the generator which doesn't work. If the A/C needs to be moved it can be placed near the master bed room wall.

The building would not be parrel to the house. It would be parrel to the property line.

There was no one present in favor of the variance.

There was no one present against the variance.

Mr Pralow motioned to approve the varaiance for these reasons.

It must be at least 4 ft from the property line.

The request would not have any adverse physical or environmental changes to the neighborhood. The neighbors are aware and prefer for it to be located where it is.

The benefit cannot be achieved by another means. Due to the grading and drainage issues on the other side of the property.

The request is significant.

The hardship is self-created.

Mr. Carey seconded the motion.

5 yays, 0 nays the motion was approved.

These minutes are a draft.

DRAFT