

TOWN OF LOCKPORT
ZONING BOARD OF APPEALS
April 22, 2014

PRESENT: Kevin McCabe
Donald Jablonski
Kevin Roth
Tim Lederhaus, Chairman
Will Collins, Appointed Alternate

ALSO PRESENT: Brian Belson, Senior Building Inspector
Jane Trombley, Secretary
Michael Norris, Town Attorney

ABSENT: Elaine Sobieraski

The April 22, 2014 Zoning Board of Appeals meeting was called to order at 7:00 pm by Chairman Lederhaus, who then led the Pledge of Allegiance.

Chairman Lederhaus appointed Alternate Collins a full voting member due to the absence of Member Sobieraski.

MOTION made by Member Jablonski, seconded by Member Roth to approve the February 25, 2014 minutes. 5 Ayes, 0 Nays, Carried.

CASE #1 **5336 Ernest Road – SBL #124.01-1-5 – William A. Roeser.** Requesting an area variance to construct a 30 x 50' garage in a residential district. Mr. Roeser presenting. Mr. Roeser stated he will be replacing his current garage that is rotting out, with a larger one to hold his and his wife's cars and a tractor. Mr. Roeser stated it is a pole barn style that will be built by Niagara Pole Barn.

Chairman Lederhaus opened the Public Hearing.

Chairman Lederhaus asked if it will have gutters. Mr. Roeser stated yes and will be light gray and white, to match the house, with a concrete floor.

Member Jablonski asked if there will be heat and electric. Mr. Roeser said no heat, but electric and there will be a drain in the floor.

Chairman Lederhaus asked if the walls will be 10' and Mr. Roeser said yes.

Member Collins asked how large the home and lot are. Senior Building Inspector Belson said the house is 1896 sq. ft. and the lot is 2.6 acres.

Chairman Lederhaus asked if there are any drainage issues and Mr. Roeser stated no.

Member Jablonski asked how far from the property line the garage will be and Mr. Roeser stated 26', it will be closer to the house than the current one is. Member McCabe asked how far from the corner of the lot and Mr. Roeser said 18'.

Hearing no further comments, Chairman Lederhaus closed the Public Hearing.

MOTION made by Member Jablonski, seconded by Member Roth to grant an area variance to William A. Roeser at 5336 Ernest Road to construct a 30' x 50' garage with gutters and the color being essentially the same gray as the home based on:

1. The requested variance will not create an undesirable change in the character of the neighborhood, or be a detriment to nearby properties;
 2. The benefit sought by the applicant cannot be achieved by any other feasible method;
 3. The requested variance is substantial;
 4. The proposed variance will not have an adverse effect on the environmental conditions in the neighborhood; and
 5. The difficulty was self-created, but will be a great addition to the property
- 5 Ayes, 0 Nays, Carried.

CASE #2 **6329 Green Valley Lane – SBL#138.04-2-71 – Kevin Harbison** – Requesting an area variance to construct a fence exceeding the maximum height of 6'. Mr. Harbison presenting.

Chairman Lederhaus opened the Public Hearing.

Chairman Lederhaus asked why the fence needs to be greater than 6'. Mr. Harbison stated for privacy. Member Jablonski asked if the extra 2' will make that great of a difference. Mr. Harbison stated he also will be putting in a berm and presented pictures received as "Exhibit A" and "Exhibit B", showing the lower elevation of his property in relation to the neighbors. Mr. Harbison stated there is also an abandoned property that has been empty for at least 4 years that is very unsightly and the lawn isn't kept mowed. Senior Building Inspector Belson stated the lawn is mowed every 2 weeks on the abandoned property, as the Town keeps track of it. Senior Building Inspector Belson also provided Board members that the foreclosure process can take several years. However, eventually there will be movement and it will be either demolished or rehabilitated with new occupants living there. So though the abandoned property may seem like a factor today, a permanent 8' fence next door will outlast the abandoned home over the long course of time.

Chairman Lederhaus stated if a berm is put in, Mr. Harbison would have to be sure of the runoff to not affect the neighboring properties.

Chairman Lederhaus suggested putting in arborvitaes. Mr. Harbison stated they blow over and his fence has a lifetime guarantee. Member Roth noted arborvitaes do grow tall and quickly. Senior Building Inspector Belson noted if Mr. Harbison puts in a 2' berm with a 6' fence, he won't need a variance. Senior Building Inspector Belson also stated that the fence would need to be 10' off the property line as there is a 20' easement required for the utilities, and the berm could be as high as 3'.

Member Jablonski asked how much fence Mr. Harbison was putting up. Mr. Harbison stated 126', 48' and 16' over by the home.

Gus Vicchio of 6321 Green Valley stated if he raises his fence the 2', he won't be able to see his neighbor's home, but they would still be able to see into his yard from their upstairs. Mr. Vicchio also stated water has always stayed a long time on the ground and he doesn't object to the 8' fence. Mr. Vicchio stated the abandoned home has black mold in it.

Chairman Lederhaus asked what the fence will look like. Mr. Harbison stated a solid vinyl fence with a decorative top.

Member McCabe asked what the cost of the fence will be and Mr. Harbison stated about \$9,000. Several board members thought it would be more cost effective and uniform to the existing standard of the Town, to put in arborvitaes, a berm and the 6' fence.

Hearing no further comments, Chairman Lederhaus closed the Public Hearing.

MOTION made by Member Jablonski, seconded by Member McCabe to deny an area variance to Kevin Harbison at 6329 Green Valley Lane to construct a fence exceeding the maximum height of 6', based on:

1. The requested variance will create an undesirable change in the neighborhood;
2. The benefit sought by the applicant can be achieved by other feasible methods;
3. The requested variance is substantial;
4. The proposed variance will have an adverse effect on the neighborhood; and
5. The difficulty is self-created to alleviate a privacy issue.

4 Ayes, 1 Nay (Member Collins), Carried.

CASE #3 6937 S. Transit Road – SBL#167.01-1-10.1 Tonawanda Creek Rd. LLC-
requesting a use variance to install a billboard in a B1 district. Under section 200-
174 billboards are not permitted in any part of the Town. – Withdrawn, letter
dated 4-9-14 by Mike Ulrich.

MOTION made by Member Collins, seconded by Member Roth to approve tonight's
decisions. 5 Ayes, 0 Nays, Carried.

Senior Building Inspector Belson stated there will be a meeting here this Thursday at 4:00 pm
to discuss ideas on updating the Master Plan for anyone who can attend.

MOTION made by Member Jablonski, seconded by Member McCabe to adjourn. 5 Ayes, 0
Nays, Carried.

BY ORDER OF THE TOWN OF LOCKPORT
ZONING BOARD OF APPEALS