

TOWN OF LOCKPORT
ZONING BOARD OF APPEALS
August 26, 2014

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

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

The August 26, 2014 Zoning Board of Appeals meeting was called to order at 6:00 pm by Chairman Lederhaus, who then led the Pledge of Allegiance.

MOTION made by Member Jablonski, seconded by Member Sobieraski to approve the June 24, 2014 Zoning Board of Appeals minutes. 5 Ayes, 0 Nays, Carried.

CASE #1 **81 Windermere Road – SBL #110.05-2-33 - Francis J. Orr** – Requesting an area variance to construct a 10 x 20’ addition to the detached garage. The proposed side setback is less than 10’ and proposed accessory structure would be greater than 1/3 of the square footage of the principal building. Mr. Orr stated his current garage is outdated and he needs a larger one to accommodate his belongings.

Chairman Lederhaus opened the Public Hearing.

Chairman Lederhaus asked if any of the neighbors have complained and Mr. Orr stated no.

Member Jablonski asked Mr. Orr if he has any testimonial letters for or against this project and Mr. Orr stated no.

Chairman Lederhaus asked if the garage will be sided the same as the house and Mr. Orr stated yes.

Member Jablonski asked if there will be gutters or water running onto the other properties and electric. Mr. Orr said there isn’t any water runoff, there will be gutters and he currently runs the 110 from the house, no heat.

Chairman Lederhaus asked for Public Comment.

Madeline Mahran of 85 Windermere stated she is Mr. Orr's next door neighbor and she is for the project.

MOTION made by Member Jablonski, seconded by Member Roth, to grant two variances for Francis Orr at 81 Windermere Road, one for an addition that is greater than 1/3 of the square footage of the principal building and one for the proposed side setback being less than 10' from the property line as:

1. The requested variance will not produce an undesirable change in the character of the neighborhood;
2. The benefit cannot be achieved by any other feasible method for the applicant;
3. The requested area variance is not substantial;
4. The proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood; and
5. The difficulty was self-created, but using the balance test, the project should be allowed.

5 Ayes, 0 Nays, Carried.

CASE #2 **6981 Dysinger Road – SBL#139.00-1-35.1 – Jeremy & Nicole Everett –**
Requesting an area variance to construct a single family residence with an extended family unit which is greater than 25% of the total living area, for use by a person related to, or dependent on, the principal occupant of the residence. Nicole Everett, owner, presenting with Regina Rosati, applicant. Ms. Rosati stated the proposed in-law apartment of the proposed structure is 33%.

Chairman Lederhaus opened the Public Hearing.

Member Jablonski asked if they had previously requested a variance for this property and Ms. Rosati stated no.

Chairman Lederhaus asked if the building would be the same nature as what is currently there. Ms. Rosati stated the unit would be behind a 3 bay garage, so it won't be visible and the unit would be combined through the family room and there would also be an outside entrance.

Member Jablonski asked about the lot size and how far off the road this would be. Ms. Rosati stated 250 x 169' lot but she was unsure about the distance from the road, but it would be behind the garage.

Chairman Lederhaus asked for Public Comment. Hearing none, he closed the Public Hearing.

MOTION made by Member Jablonski, seconded by Member McCabe to grant an area variance for 6981 Dysinger Road to construct a single family residence with an extended family unit that is 8% over the allowed 25% living space allowed as:

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

CASE #3

6786 Akron Road – SBL#123.02-1-40 – George & Susan Daningburg – Requesting an area variance to construct a 24 x 24' bedroom and bathroom addition within the required 75' front set back. George Daningburg presenting. Mr. Daningburg stated they bought this to be their retirement home, then his wife had knee surgery and now needs a bedroom downstairs. Mr. Daningburg stated they have a 2 acre lot and the driveway wraps around the home. Mr. Daningburg said he wants one side of the home to mirror the other side as close as he can, with a 312 pitch, and 2 egress windows.

Chairman Lederhaus opened the Public Hearing.

Chairman Lederhaus asked if there will also be a bathroom included. Mr. Daningburg stated yes, the current bathroom is only 4 x 4'.

Member McCabe asked if the setback will be further back than it is currently and Mr. Daningburg stated yes, about 3' more.

Chairman Lederhaus asked for Public Comment. Hearing none, he closed the Public Hearing.

MOTION made by Member Jablonski, seconded by Member Roth to grant an area variance to George & Susan Daningburg at 6786 Akron Road to construct a 24 x 24' bedroom/bathroom addition as:

1. The requested variance will not produce an undesirable change in the character of the neighborhood;
2. The benefit sought by the applicant cannot be achieved by any other feasible method;
3. The requested variance is not substantial;

4. The proposed variance will not have an adverse effect on the neighborhood;
and
 5. The difficulty is self-created.
- 5 Ayes, 0 Nays, Carried.

CASE #4 4419 Lake Avenue – SBL#95.02-2-49 – Geoffrey & Cheryl Richardson –
Requesting an area variance to construct a 24 x 30' pole barn addition to an existing garage as accessory structure with proposed addition that will be greater than 1/3 of the square footage of the principal building. Mr. Richardson presenting. Mr. Richardson stated he has a backhoe that needs shelter and he restores antique vehicles.

Chairman Lederhaus opened the Public Hearing.

Member Jablonski asked Mr. Richardson if he restores antique vehicles as a business or hobby. Mr. Richardson stated it is his hobby.

Chairman Lederhaus asked if this will be attached to the one that is there. Mr. Richardson stated yes, the one he added on to about 3 years ago, and this will be the last addition.

Member Lederhaus asked if this building will be similar to the existing one and Mr. Richardson stated yes.

Member Jablonski asked if there will be heat or electric and Mr. Richardson said no, but it will be aesthetically pleasing as he has acquired some property and is trying to acquire more. It will be about 150' from the road.

Member Jablonski asked if this is R1 zoning and Attorney Norris stated yes.

Chairman Lederhaus asked for Public Comment. Hearing none, he closed the Public Hearing.

MOTION made by Member Jablonski, seconded by Member Sobieraski to grant an area variance to Geoffrey & Cheryl Richardson to construct a 24 x 30' pole barn addition that will be aesthetically pleasing and basically the same as the existing building as:

1. The requested variance will not produce an undesirable change in the character of the neighborhood;
2. The benefit sought by the applicant cannot be achieved by any other feasible method;

3. The requested area variance is substantial;
 4. The proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood; and
 5. The difficulty is self-created.
- 5 Ayes, 0 Nays, Carried.

CASE #5 **4489 Wilson Road – SBL#110.02-1-1 – Betty J. Neden/Michael Hare –**
Requesting an area variance to construct a 3,000 square foot dwelling with a 23.6' side yard setback which is less than the 30' required, and allow a fire hydrant to be installed +/- 750' from the developed property, which is farther than the 600' requirement. Mr. Hare presenting. Mr. Hare stated it will be a 3000 square foot building with about 1200 square feet upstairs for a loft apartment for himself.

Chairman Lederhaus opened the Public Hearing.

Chairman Lederhaus asked Mr. Hare if he owns the property. Mr. Hare stated he has a contingency offer and may also be buying the property next to it.

Chairman Lederhaus noted there is no public water to the property. Mr. Hare stated it will run him \$50,000 to run the water line to his property as he would also have to add 2 fire hydrants. Mr. Hare stated he has a letter from the Health Department stating he can build a well 50' off the road and the fire department could access that. Attorney Norris asked Mr. Hare if he has anything in writing from the fire department. Mr. Hare stated no, but he had spoken to them and they have at least 1000' of hose on the trucks.

Mr. Hare stated he could put a pond on the property and could get a variance from the State. Mr. Hare stated he is also willing to put in a sprinkler system.

Senior Building Inspector Belson stated he had spoken with the fire chief and they will not sign off on a variance for a fire hydrant and there would have to be a containment for the sprinkler system with a pressurized holding tank that would have to be designed by an engineer.

Senior Building Inspector Belson stated there are fire lots on Northledge and a water line could come down that way. The other question with a well, would be the water supply. Senior Building Inspector Belson stated a sprinkler system for the average home is 3 to 4 thousand without a holding tank. Mr. Hare stated he could run a 2 or 3" line from the street and then wouldn't need a holding tank. Senior Building Inspector Belson agreed that he could and that he wouldn't need a variance if he has a running sprinkler system.

Chairman Lederhaus asked about the construction of the structure. Mr. Hare stated it will be to the energy code, be residential, but look like it belongs in the woods.

Hearing no Public Comment, Chairman Lederhaus closed the Public Hearing.

MOTION made by Member Jablonski, seconded by Member Roth to grant Betsy Neden/Michael Hare at 4489 Wilson Road, an area variance for a side setback less than 30' to construct an approximately 30,000 square foot structure with a rustic design that will be residential, not commercial, contingent on an engineer designed sprinkler system being put in prior to a building permit authorization being given, and following all other Town codes as:

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

CASE #6 **1030 Slayton Settlement Road – SBL#95.00-1-10.1 – Douglas & Margaret Meyer** – Requesting an area variance to construct a 36 x 84' accessory structure prior to constructing a single family residence. Mr. Meyer stated that he has revised preliminary plans for the house that he will build in about a year and that his wife has a horse that they will be bringing.

Chairman Lederhaus opened the Public Hearing.

Chairman Lederhaus asked if there will be gutters and if there is a drainage issue. Mr. Meyer stated there isn't a drainage issue and there will be gutters, but the home won't be able to be seen from the road and he has owned this property for about 13 years and is now ready to build on it.

Member Roth asked how large the home will be. Mr. Meyer stated 2100 square feet.

Hearing no Public Comment, Chairman Lederhaus closed the Public Hearing.

MOTION made by Member Jablonski, seconded by Member McCabe to grant an area variance to Douglas & Margaret Meyer at 1030 Slayton Settlement to

construct a 36 x 84' accessory structure in 2014, prior to constructing a 2100 square foot home in 2015, as:

1. The requested variance will not create an undesirable change in the character of the neighborhood;
2. The benefit sought by the applicant cannot be achieved by any other feasible method;
3. The requested area variance is substantial;
4. The proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood; and
5. The difficulty is self created.

5 Ayes, 0 Nays, Carried.

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

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

BY ORDER OF THE TOWN OF LOCKPORT

ZONING BOARD OF APPEALS