

TOWN OF LOCKPORT
ZONING BOARD OF APPEALS
June 28, 2016

PRESENT: Kevin McCabe
Donald Jablonski
Tim Lederhaus, Chairman
Elaine Sobieraski
John Lang, Appointed Alternate

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

ABSENT: Kevin Roth

The June 28, 2016 Zoning Board of Appeals meeting was called to order at 6:00 pm by Chairman Lederhaus, who then led the Pledge of Allegiance.

Chairman Lederhaus appointed Alternate Lang a full voting member due to the absence of Member Roth.

MOTION made by Member Jablonski, seconded by Member Sobieraski to approve the May 24, 2016 minutes. 5 Ayes, 0 Nays, Carried.

CASE #1 **6187 Raymond Road – 152.00-1-3.122** – Kenneth & Amelia Thompson requesting a use variance to operate a horse boarding operation in an agricultural/residential zone. Mr. & Mrs. Thompson presenting. Ms. Thompson handed out a description and layout of the property to Board members and stated the property was improperly advertised, but they didn't know it until they had already sold their home and purchased this property; then they found out they would need a variance to board horses.

Chairman Lederhaus asked how much property they own and Ms. Thompson stated 43 acres on the east side of the road.

Chairman Lederhaus asked how many horses they would like to board. Mr. Thompson stated up to eight horses.

Member Jablonski asked if there is any other business on the property and Mr. Thompson stated he has a fabrication business, but it is not operated out of the home.

Senior Building Inspector Belson stated for clarification, horses are permitted in the agricultural/residential zone, just not the boarding of horses. Ms. Thompson stated the realtor ad said the barn could be used for rental.

Chairman Lederhaus asked if they have spoken to the neighbors and Mr. Thompson stated yes, the ones on each side and they are fine with the project.

Chairman Lederhaus opened the Public Hearing.

Member McCabe asked if they know if they plan to expand, they will have to come back to the Board for approval. Mr. Thompson stated yes, he knew.

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

MOTION made by Member Jablonski, seconded by Member Sobieraski to grant a use variance to Kenneth & Amelia Thompson at 6187 Raymond Road to operate a horse boarding operation in an agricultural/residential zone with no more than 8 horses at one time based on:

1. the applicant cannot realize a reasonable return based on the competent financial evidence provided;
 2. the hardship relating to the property in question is unique;
 3. the requested use variance will not alter the essential character of the neighborhood;
and
 4. the hardship has not been self-created.
- 5 Ayes, 0 Nays, Carried.

CASE #2 **6985 Cambridge Drive – 110.01-1-48.2** – Mark & Brenda Zimmerman. Requesting an area variance to construct a pole barn in a residential district. Variance not needed – dropped.

CASE #3 **6626 Emily Drive – 152.01-3-39** – James & Lisa Mendola – Requesting a variance to construct a 2 story addition with a 40' front setback which is closer than the required 50' front setback. Ms. Mendola stated the garage will be about 40' back instead of the required 50' and there are 2 other homes in the neighborhood that are like that. The garage needs to be extended to do the addition.

Member Jablonski asked if the siding and roof will match. Ms. Mendola said yes, they are redoing the roof at the same time. Mr. Jablonski asked how many square feet the addition will be and Ms. Mendola stated it will be about a 16 x 20' addition.

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

MOTION made by Member Jablonski, seconded by Member Lang, to grant an area variance to James & Lisa Mendola at 6626 Emily Drive to construct a 2 story addition with a 40' front setback which is closer than the required 50' front setback based on:

1. the requested variance will not produce 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 area variance is not substantial;
4. the proposed variance will not have an adverse effect on the neighborhood; and

5. the difficulty was self-created, but using the balance test, the variance should be granted.

5 Ayes, 0 Nays, Carried.

CASE #4 130 Ambleside Drive – 110.05-1-46 – Janet Gould – Requesting variance to construct a half bath addition on the south side of the house which would be about 3 1/2' from the property line which is closer than the required 10' side set back. Dan Gately presenting representing Ms. Gould. Mr. Gately stated he is requesting a hardship variance for Ms. Gould as she had recently had surgery and the only bathroom is upstairs. Ms. Gould would like to have a combination bath and laundry on the main level. Mr. Gately presented a letter from the neighbor closest to where the addition will be, which was received as "Exhibit A".

Chairman Lederhaus asked if the addition will match the current home and Mr. Gately stated he gave her a choice of cement board or stucco, but it will match.

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

MOTION made by Member Jablonski, seconded by Member Sobieraski to grant an area variance to Janet Gould at 130 Ambleside Drive to construct a half bath addition on the south side of the house which would be approximately 3 1/2' from the property line which is closer than the required 10' side setback based on:

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 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 when using the balance test, should be granted.

5 Ayes, 0 Nays, Carried.

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

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

**BY ORDER OF THE TOWN OF LOCKPORT
ZONING BOARD OF APPEALS**

