

Town of Shelby Zoning Board of Appeals
Public Hearing
Shelby Town hall
4062 Salt Works Rd
Medina, NY 14103
April 14, 2016

Board Members Present:

Patti Bushover Secretary
Larry Szatkowski
Thurston Dale

Call to Order: Secretary P. Bushover called the Public Hearing to order at 7:00 p.m.
Voice roll call was taken by P. Bushover. P. Bushover reported that there was a quorum present.

Old Business P. Bushover called for Old Business:

No old Business.

New Business: P. Bushover called for New Business:

First Order of New Business: Public Hearing for variance 16-01. To relocate a shed 15' set back is needed from the 30' that is required and a 15' rear set back is needed from a 30' that is required by Zoning Code 510 (E)

Secretary P. Bushover read the Legal Notice (see attachment 1) which had been published in the *The Daily News* Batavia NY April 8, 2016.

The ZBA Board Members had viewed the area and had received a site plan.

Secretary P. Bushover reported that the board had received no comments regarding this Application from the public.

The board members reviewed the site plan and discussed the relocation noting that the 5' both on the side and rear will allow the applicant walk around shed.

Meeting was closed at 7:15

LEGAL NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Shelby will hold a public hearing on an application for an Area Variance for property located at 11682 Martin Rd Medina, Town of Shelby, NY owned by Peter R. Keppler. The applicant requests an area variance of 15ft side set back whereas 30ft is required and 15ft rear set back whereas 30ft is required from Section 510 Paragraph E of the Town of Shelby Zoning Laws, to allow for the relocation of a shed. The public hearing on this application will be held on Thursday April 14, 2016 at 7:00pm at the Shelby Town Hall located at 4062 Salt Works Road, Medina, NY 14103. The Proposed Action has been classified as a Type II Action under SEQRA.

All those having an interest in the Application will be given an opportunity to be heard at the Public Hearing and may also submit comments in writing to Patricia Bushover, Zoning Board Secretary Shelby Town Hall 4062 Salt Works Road, not later than 12:00 noon on Monday, April 13, 2016. The Application and supporting information may be examined prior to the Public Hearing at the Town Hall during normal business hours.

By order of the Zoning Board

Craig Lacy

Zoning Board Chairman

Published April 8, 2016

The Daily News Batavia NY

Town of Shelby Zoning Board of Appeals
Board Meeting
Shelby Town hall
4062 Salt Works Rd
Medina, NY 14103
April 14, 2016

Board Members Present:

Patti Bushover Secretary
Larry Szatkowski
Thurston Dale

Others Present:

Call to Order: Secretary P. Bushover called the Business Meeting to order at 7:16 p.m.
Voice roll call was taken by P Bushover. P Bushover reported that there was a quorum present.

Old Business: P. Bushover Called for Old business:

First Order of Old Business: No Old business.

New Business: P. Bushover Called for New business:

First Order of New Business: was to consider the application for variance 16-01
Submitted by: Peter R. Keppler 11682 Martin Rd Medina NY

Secretary P. Bushover asked the ZBA to consider the five factors and state their findings. (See Attachment #1)

Thurston Dale made a motion to grant the variance to allow the relocation of a Shed. Larry Szatkowski seconded the motion the motion passed by a unanimous roll call vote.

Reasons being: it will cause no detriment to the health, safety, and welfare of the area. The ZBA farther finds 25' side set back and a 25' rear set back from the Town Zone Code 510 (E) is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health and safety of the community.

No SEQAR was needed because this request is a Type 2 #12 area variance request.

Second Order of New Business:

Board member present received packet of information on Shelby Fire Company request for a LED sign Variance 16-02 and set a date for the Public Hearing for May 3, 2016 at Shelby Town Hall.

A motion was made and seconded to adjourn the meeting at 7:45 p.m.

Next Meeting: May 3, 2016 Public hearing

Respectfully Submitted
Patti Bushover Secretary ZBA
April 14, 2016 Variance 16-01

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: Peter R. Keppler

Appeal Concerns Property at the following address:

10887 West Shelby Rd Medina

County Tax Map Section: 91 Block 0-1 Lot -52.2

Zoning District Classification: Ag-Res

Application No. AV- 16-01

Date of Application: 02-10-16

(Postmarked or Hand Delivered)

Date of Public Hearing: 04-14-16

Date notice Published: 04-08-16

Date of County Referral: N/A

Date of Final Action: 04-08-16

Date of Filing Decision with the
Municipal Clerk: 04-15-16

Requirements for which Variance is Requested: **25' side set back 30' required 25' rear set back 30' required**

Applicable Section of Town Zoning Code: **510 (E)**

TEST: 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: YES NO
Reasons: Rural Area- **Shed will be close to property lines**
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:
YES NO
Reasons: **Placing in another location**
3. Whether the requested variance is substantial: YES NO
Reasons: **25' is 80% of Required Set-Back**
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: YES NO
Reasons: **Rural Area other buildings on lot**
5. Whether the alleged difficulty was self-created: YES NO
Reasons: **Having the shed relocated**

DETERMINATIONS OF ZBA BASED ON THE ABOVE FACTORS:

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

_____ the benefit to the Applicant DOESNOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

___**X**___ the benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community

Reasons: Relocation of shed will allow for more storage on applicant property.

The ZBA further finds that a variance of **25' side set back and 25' rear set back** from section **510 (E)** 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.

It Will Allow Applicant to Relocate Shed to his own property.

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

Patti Bushover
Secretary Zoning Board of Appeals

04/14/16
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair			
Member	Patti	X	
Member	Thurston	X	
Member	Larry	X	
Member			