

Town of Shelby Zoning Board of Appeals  
Board Meeting  
Shelby Town hall  
4062 Salt Works Rd  
Medina, NY 14103  
July 12, 2016

Board Members Present: Craig Lacy Chairman  
Patti Bushover Secretary  
Larry Szatkowski  
Thurston Dale

**Others Present** Roger Wilkens 10999 Maple Ridge Road, Medina New York (Applicant)  
Dan Wolfe Code Enforcement Officer Town of Shelby.

**Call to Order:** Chairman Craig Lacy called the Business Meeting to order at 7:11 p.m.  
Voice roll call was taken by P Bushover. P Bushover reported that there was a quorum present.

**Old Business:** C. Lacy Called for Old business:  
**First Order of Old Business:** No Old business.

**New Business:** C. Lacy Called for New business:

**First Order of New Business:** was to consider the application for variance 16-04  
Submitted by: Roger Wilkins 10999 Maple Ridge Road Medina, New York  
C. Lacy asked the ZBA to consider the five factors and state their findings.  
(See Attachment #1)

After considering the Five Factors Chairman Lacy called for a motion. Thurston Dale made a motion to grant the variance to allow the applicant to place an Amish Style shed in the requested location. 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, 15' side set back and 32' rear setback from the Town Zone Code 510 (F) 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 variance request.

**Second Order of New Business:**

CO Dan Wolfe stated that of this date he had not received any application that needed to come before the ZBA.

The ZBA members expressed their condolences to Thurston Dale for the loss of his Wife. A motion was made and seconded to adjourn the meeting at 7:45 p.m.

**Next Meeting:** As Needed Chairman Lacy will notify ZBA members.

**Respectfully Submitted**

**Patti Bushover Secretary ZBA**

**July 18, 2016 Variance 16-04**

ZONING BOARD OF APPEALS  
AREA VARIANCE FINDINGS & DECISION

**Applicant:** Roger Wilkins

Application No. AV- 16-04  
Date of Application: 06-14-16  
(Postmarked or Hand Delivered)  
Date of Public Hearing: 07-12-16  
Date notice Published: 07-05-16  
Date of County Referral: N/A  
Date of Final Action: 07-12-16  
Date of Filing Decision with the  
Municipal Clerk: 07-14-16

**Appeal Concerns Property at the following address:**  
10999 Maple Ridge Road Medina  
**County Tax Map Section: 79.3 Block 32 Lot 2**  
**Zoning District Classification: GB**

Requirements for which Variance is Requested: **30' Side Set-Back, 50' Rear Set-Back**

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

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 **X**  
Reasons: **No change.**
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: YES NO **X**  
Reasons: **Lot to west is low, area behind home has leach field.**
3. Whether the requested variance is substantial: YES **X** NO  
Reasons: **Variance is over 50%**
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: YES NO **X**  
Reasons: **No impact**
5. Whether the alleged difficulty was self-created: YES **X** NO  
Reasons: **Owner desires this placement.**

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: **There will be no detriment to neighborhood or community.**

The ZBA further finds that a variance of **15' side and 32' Rear** from Section **510 F** 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.

**This will allow the applicant to complete the addition with no adverse effect to neighborhood or environment.**

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:

**Craig C. Lacy**  
Chairman, Zoning Board of Appeals

07-12-16  
Date

**RECORD OF VOTE**

	<b>MEMBER NAME</b>	<b>AYE</b>	<b>NAY</b>
<b>Chair</b>	<b>Craig Lacy</b>	<b>X</b>	
<b>Member</b>	<b>Patti Bushover</b>	<b>X</b>	
<b>Member</b>	<b>Thurston Dale</b>	<b>X</b>	
<b>Member</b>	<b>Larry Szatkowski</b>	<b>X</b>	
<b>Member</b>	<b>Linda Fuller</b>		