

Board Meeting
Zoning Board of Appeals
Shelby Town Hall
4062 Salt Works Rd
Medina, NY 14103
March 1, 2021

ZBA Board Members Present: Craig C Lacy Chairman
Patti Bushover Secretary
Larry Szatkowski
Sharlene Pratt
Marion Fry

Others Present: Dan Wolfe Code Enforcement Officer Town of Shelby, Miranda Bennet Town of Shelly Bookkeeper operating Zoom for meeting.

Call to Order: Chairman C. Lacy called the meeting to order at 6:15 p.m.

Secretary P Bushover reported all ZBA members present.

Call for Old Business: Chairman Lacy called for old business no old business.

Call for New Business: Chairman Lacy called for new business

First order of new business was the concertation of the five factors for Var. 21-01

For John Nichols requesting a side set back variance for 8' for the placement of a 20' by 14' storage shed on the property at 4643 S. gravel Rd Medina, NY.

C. Lacy asked the ZBA to consider the five factors and state their findings. (See Att.1)

After considering the Five Factors C. Lacy called for a motion. P. Bushover made a motion to grant the variance to allow the applicant to place a 20' by 14' shed purposed site M. Fry 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. This is a type II SEQAR

Second order of new business: The consideration of a request received from D. Wolfe CEO (see Att. 2) after a discussion and acting on the motion made by S. Pratt and seconded by L.

Szatkowski and passed by a unanimous roll call vote. The ZBA members determined that the proposed activity was within the description of the permitted uses of an industrial district. The site plan will go to the County Planning Board for review.

Third order of new business ZBA received a request for a front set back variance from Marvin Frey 10233 West Shelby Rd Middleport NY. A Public Hearing will be held April 6, 2021 at the Shelby Town Hall.

Chairman Lacy called for more new business hearing none the meeting was adjourned at 6:38

Next meeting a Public Hearing for Variance 21-01

Respectively submitted

3/29/21

Patti Bushover

Secretary ZBA

Legal Notice

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town Shelby will hold a Public Hearing via ZOOM on Tue., March 2, 2021 at 6:00 p.m. at the Shelby Town Hall, 4062 Salt Works Road Medina, New York on the application of John E. Nichols for an Area Variance from the requirements of Town of Shelby Zoning Ordinance Section 500 (E) relative to property located 4643 South Gravel Road, Medina, New York. The applicant is seeking an 8 ft. side variance for the erection of a 20' X 14' shed. The property is currently located in a Hamlet Zone. The Proposed Action has been classified as a Class II under SEQRA.

At such Public Hearing, all persons, either for or against the same, shall be heard. As Covid-19 restrictions are being observed, this meeting will be to the public via ZOOM. The instructions for joining the meeting will be on the homepage of the town website at www.Townofshelbyny.org. In addition, comments may also be submitted in writing to Patricia Bushover, Secretary Shelby Zone Board of Appeals c/o Shelby Town 4062 Salt Works Road, Medina NY 14103, not later than 12 00 noon on Mon March 1, 2021. 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
Patricia Bushover, Secretary
Shelby Zoning Board of Appeals

Att. 2

To Whom it may concern:

2-2-21

I, Dale Watts, do not mind if John Nichols puts a shed near the property line of 4641 S. Gravel Rd

Dale E. Watts

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: John E. Nichols

Appeal Concerns Property at the following address:
4643 S. Gravel Road Medina
County Tax Map Section:90 Block: 20-1 Lot:3
Zoning District Classification: Hamlet

Application No. AV-21-01
Date of Application: 2-3-21
(Postmarked or Hand Delivered)
Date of Public Hearing: 3-2-21
Date notice Published: 2-20-21
Date of County Referral: N/A
Date of Final Action: 3-2-21
Date of Filing Decision with the
Municipal Clerk: 3-5-21

Requirements for which Variance is Requested: **Side Clearance of 15'**

Applicable Section of Town Zoning Code: **500 (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 **X**

Reasons: **Applicant is converting property to residential and he is surrounded by commercial property gas station one side, fire hall on the other.**

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: YES NO **X**

Reasons: **To convert property to residential he must have a shed because he has no garage or basement.**

3. Whether the requested variance is substantial: YES **X** NO

Reasons: **8' is more than 50% of the 15' requirement.**

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: YES NO **X**

Reasons: **Same as #1**

5. Whether the alleged difficulty was self-created: YES **X** NO

Reason: **Applicant purchased their property know what he had to do**

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

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

The ZBA further finds that a variance of 8'' from **Section 500 (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.

Condition No. 1 **NONE**
Adverse impact to be minimized:

Craig Lacy Date **03-02-21**
Chairman, Zoning Board of Appeals

	MEMBER NAME	AYE	NAY
Chair	Craig Lacy	X	
Member	Patti Bushover	X	
Member	Larry Szatkowski	X	
Member	Sharlene Pratt	X	
Member	Marion Fry	X	