

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

ZBA Board Members Present: Patti Bushover Secretary
Larry Szatkowski
Sharlene Pratt
Marion Fry

Others Present: Dan Wolfe Code Enforcement Officer Town of Shelby, Rev. Vincent Iorio applicant.

Call to Order: Secretary P Bushover Called the meeting to order at 6:22, 4 ZBA members are present Chairman Lacy is excused. The ZBA has a quorum.

Call for Old Business: P. Bushover called for old business no old business.

Call for New Business: P. Bushover called for new business

First order of new business was the concertation of the five factors for Var. 21-04

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

After considering the Five Factors P. Bushover called for a motion. Sharlene Pratt made a motion to grant the variance to allow the applicant to place a LED sign at the location requested Marion 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

P. Bushover called for more new business hearing none the meeting was adjourned at 6:30

Next meeting a Public Hearing for Variance 21-05

Respectively submitted

6-7-21

Patti Bushover

Secretary ZBA

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: Calvary Tabernacle Church

**Appeal Concerns Property at the following address:
11031 Maple Ridge Rd Medina NY
County Tax Map Section: 79 Block: 3 Lot:32.11
Zoning District Classification: General Business**

Application No. **AV-21-04**
Date of Application: **5-5-21**
(Postmarked or Hand Delivered)
Date of Public Hearing: **6-1-21**
Date notice Published: **5-23-21**
Date of County Referral: **N/A**
Date of Final Action: **6-1-21**
Date of Filing Decision with the
Municipal Clerk: **6-2-21**

Requirements for which Variance is Requested: **64 sq ft sign size required 71.5 sq' sign size 7.5 sq ft variance requested. 500 sq ft side setback for LED on the east side. Sign location at 135 ft 365 ft variance requested.**

Applicable Section of Town Zoning Code: **600 signs**

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: **The area variance is 7.5 ft or 2.8 ft per side. The LED sign will only be in operation between 8:00 AM and 10:00 PM**
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: YES NO **X**
Reasons: **The area in which the sign will be placed is next to the driveway of the property and to move the sign would defeat the purpose of the sign.**
3. Whether the requested variance is substantial: YES **X** NO
Reasons: **The LED sign setback variance requested is 73% of the 500 ft needed**
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: YES NO **X**
Reasons: **The design of the sign is similar to others on Maple Ridge Rd**
5. Whether the alleged difficulty was self-created: YES **X** NO
Reason: **See # 3**

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: The Church needs a sign to show to show the location of the Church and this is the best location.

The ZBA further finds that a variance of 7.5 sq ft area var. and 365 ft side setback from **Section 600** 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. **The sign will not effect the health, safety or welfare of the community.**

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 **LED sign will only be lite between 8:00 AM and 10:00 PM**
Adverse impact to be minimized:

Condition No. 2
Adverse impact to be minimized:

Patricia Bushover Date **06-01-21**
Secretary, Zoning Board of Appeals

RECORD OF VOTE

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