

VILLAGE OF SPRINGVILLE
MINUTES OF THE MEETING OF ZONING BOARD OF APPEALS

September 9, 2020

7:00 P.M.

A meeting of the Zoning Board of Appeals of the Village of Springville was held at the Municipal Building, 65 Franklin Street, Springville, New York at the above date and time.

Present were:

Chairman:	Joe Wolniewicz
Members:	Timothy O'Neal (absent) Kate Moody Jamie Raynor Kimberly Krzemien
Also Present:	Mike Kaleta, CEO/Building Inspector Elizabeth Andrews Ben Andrews Doug Andrews
Clerk:	Kellie Grube

Chairman Wolniewicz called the meeting to order at 7:00 p.m. to hear the petition of Elizabeth Andrews, 344 W. Main St., Springville, New York, **File #9258** for an Area Variance.

Due to the applicant's property being located within a R8-5 District, the applicable section for File #9258 of the Village Code is **§ 200 Attachment 6. Minimum lot depth in a CIP District side yard set back is 25', the applicant needs to encroach by 5'.**

At 7:01 Chairman Wolniewicz opened the Public Hearing.

Ms. Andrews would like to open a drive up only coffee kiosk located on the NW corner of the 344 W. Main St. The building will sit 50' south of the W. Main St. sidewalk and 20' to the east of the west property line. The building will be framed 10' x 16', with ordering windows on both the east and west side. Traffic will enter the location from the property's west driveway. It will then form two lines, the west window will line up along the property's north perimeter and order facing south. The other patrons will enter the lot on the west side as well, but will do a "U" turn and travel between the new kiosk and the existing building. The building will be built onsite and attached to a 10' x 16' x 6' concrete slab. It will have a mixture of traditional siding, board and batten and metal siding with functioning shutters on the larger windows for added evening security. The building will have a half bath for employee use only. The building will also have its own utilities and will not have services connected to the 344 W. Main St.

Ms. Andrews stated that they would like to build the new structure 5' closer to the property line bordering the driveway to give additional space around the main building at 344 W. Main St. (Concord Mechanical). In order for the applicant's site plan and drive lanes to work as presented, she will need to encroach 5' into the required 25' side yard setback.

Chairman Wolniewicz closed the Public Hearing to go into Board discussion.

After some discussion, Chairman Wolniewicz declared the SEQR for File #9258 a Type II requiring no further action; therefore a negative declaration was determined.

At this time, the Zoning Board of Appeals went over the factors considered in their decision:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes ___ No x(4)
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes x(4) No ___
3. Whether the requested variance is substantial: Yes ___ No x(4)
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No x(4)
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance: Yes x(4) No ___

DETERMINATION OF THE ZONING BOARD OF APPEALS BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that the benefit to the applicant does outweigh the detriment to the neighborhood or community.

The ZBA further finds that a variance of 5' from Section 200 Attachment 6 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.

The benefit to the applicant DOES outweigh the detriment to the neighborhood or community. With keeping in mind that the Variance is within the character of the neighborhood and doesn't impact the environment, the variance request is approved.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	NO VOTE
JOE WOLNIEWICZ	<u> x </u>	<u> </u>	<u> </u>
TIMOTHY O'NEAL	<u> </u>	<u> </u>	<u> x </u>
KATE MOODY	<u> x </u>	<u> </u>	<u> </u>
JAMIE RAYNOR	<u> x </u>	<u> </u>	<u> </u>
KIMBERLY KRZEMIEN	<u> x </u>	<u> </u>	<u> </u>

With there being no other Public Hearings this evening, Chairman Wolniewicz asked the Members if there were any changes or concerns with the July 8, 2020 meeting minutes.

With there being none, Chairman Wolniewicz made a motion to approve the minutes. All in favor, none opposed.

At 7:06 p.m., Chairman Wolniewicz made a motion to adjourn the meeting. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube