

ZONING BOARD OF APPEALS MINUTES

October 28, 2009

7:00 p.m.

Present: Michelle McIntyre, Chairman
Thomas Danielson
Douglas Hooper

Joel H. Seachrist, Esq.
Denise Klizek
Richard Nygren

A public hearing before the Zoning Board of Appeals of the Town of Busti was held on Wednesday, October 28, 2009 at 7:00 p.m. at the Town of Busti Administration Building, 121 Chautauqua Avenue, Lakewood, New York, to consider the following applications:

Application of Gordon L. Robbins, 1545 Orr Street, Jamestown, New York 14701, for a variance to build a sixteen (16) foot by twenty four (24) foot storage shed on his property. Property is in the Conservation Residential District, owned by him and known as Section 403.00, Block 3, Lot 40 of the official tax map of the Town of Busti.

Following description, documents and photo(s) produced of proposed shed, the Board reviewed the balancing test for a use variance and determined that the benefit to the applicant outweighed any detriment to the neighborhood. Douglas Hooper offered the following motion, seconded by Denise Klizek: I make a motion to grant the variance to Gordon L. Robbins, 1545 Orr Street, Jamestown, New York for a variance to build a 16 by 24 foot storage shed on his property. Property is in the Conservation Residential District, owned by him and known as Section 403.00, Block 3, Lot 40 of the official tax map of the Town of Busti. The shed will be located in the right rear corner of his property and will be sixteen (16) feet by twenty four (24) feet. It is called a "lofted garden shed" and will be built on site on skids. The shed will be constructed of wood, have a metal roof, and is intended for personal use. The shed will be no closer than twenty eight (28) feet to the rear boundary and will be forty six (46) feet to the side boundary. The shed will be intended for personal use only. All aye.

Application of Paul R. Mather, 1062 North Center Street, Corry, Pennsylvania, for variances to build a 19' x 26' garage; a 12' x 19' addition to a residential dwelling; and a 12' x 19' porch on property owned by Mr. and Mrs. Rick and Helen Willman. Property is located at 2450 Lakeside Drive, Ashville, New York and is in the Multi-Residential District. Property is known as Section 367.20, Block 4, Lot 27 of the official tax map of the Town of Busti.

It was determined by attorney Joel H. Seachrist that a typical procedure would be followed despite the number of variances for a single property. Paul Mather begins by addressing the issue that the side boundary measurements are not clear. Due deliberation between board members and attendees (neighbors to west and neighbors to east) is made in an attempt to arrive at precise measurement figures for proposed plans and for property boundaries. Survey is consulted, as well as plan designed by Paul R. Mather. Dimensions on existing home are verbally produced by Mr. Mather and property line discussed. Proposed porch is addressed in relation to existing porch on neighbor's property. List of addresses of neighboring homes with garages is produced by Mr. Mather. Porch railing, posts, roof are discussed and obscurity of neighbor's view is addressed. Mr. Mather alleges about 10 percent of neighbor's line of view will be lost. Proposed garage height discussed. It is determined that the garage would be higher than the existing home for storage. Distances between neighbors and property lines is again considered. Issue of lot coverage percentage is addressed by Michelle McIntyre and confirmed by attorney Joel H. Seachrist. Applicant states that this application is probably all-or-nothing because he'd like to make it a year-round residence. Drainage issues are raised and discussed, which leads to

property line measurements again and distances between eaves of homes and foundations of homes. It is determined that precise measurements need to be taken and shown from eave to eave and foundation to foundation between existing home and neighboring home to west side in order to facilitate issue of neighbors and fire company using ladders to reach roofs. Mr. Bruce Johnson, neighbor at 2448 Lakeside Drive, immediately to the east, presents his concern of view loss. Attorney Joel H. Seachrist advises that board has to consider the non-compliance of the variance requests as well as the typical issues of the area. Attorney Seachrist also determines better measurements need to be presented before decisions can be made. Mr. Johnson states his concern about future additions to porch leading to total view obscurity. Neighbors to west present allege that proposed variances will not have negative effect. Attorney Seachrist suggests measurement from northwest corner of porch to northeast corner of west neighbor's porch. He also suggests Mr. Mather entertains the thought of less building because the surface area is very high. Michelle states: "We are trying to correct errors of the past and comply with new lake management issues". Michelle McIntyre encourages input from residents and neighbors as to what is desired for general area. Attorney Seachrist suggests that neighbors put desires in writing, which would aid this application.

Findings and Decision were not reached and motion made by Michelle McIntyre to table the application until next month. Next meeting is discussed in relation to upcoming Thanksgiving holiday. Mr. Johnson asks legal dimensions, to which Michelle McIntyre replies: "Minimum lot would be quarter acre; min. lot width- 100'; max. lot coverage, 25%; min. front yard dimension, 50' from highway; min. side yard dimensions 12' either side; rear yard dimension, 50'." Discussions arise over these figures.

Upon motion made by Michelle McIntyre the meeting was adjourned at 8:00 p.m.

Respectfully given,

Dena Hirliman
Deputy Town Clerk