

## ZONING BOARD OF APPEALS

The hearing on Tuesday, September 13, 2022, was called to order by Chairman Kwiek at 7:00pm.

Members present: Ron Carey

Gregory Kalinowski

Harry Kwiek

John Johnston

Robert Schafer, Alternate

Also: Phyllis Todoro, Town Atty

Absent: Ray Balcerzak, Bldg. Inspector

Shawn Pralow

Appeals Case #1418 for Luke & Pamela Uebler of 771 N. Blossom Rd, Elma, NY who are requesting an area variance to install a shed with less than the required side yard setback §144-99 C6, Residential C.

Luke and Pamela were present and explained how they called the building department and were told that the shed had to be ten feet from the property line. They measured and then found out that they were only six feet from the property line. They thought they did not need a permit for the pad.

Mr. Kwiek asked about the survey and the dimensions on the survey, and they replied that they received a copy of the survey from the building department. Mr. Carey advised them that the distance should be 20 feet as of a change in the code in 1989.

Mr. Kalinowski asked if the contractor advised them, and they answered that they did not have a contractor. Mr. Carey asked about the possibility of moving the shed over further and the Uebler's told the board that there are trees in the way.

Mr. Schafer mentioned the fact that a survey was not reviewed before any of the work was done. Mr. Kwiek mentioned that if they would have looked at the survey and measured from the house, the measurement would have been more precise.

Mr. Kalinowski stated that the variance is a substantial variance with it being 14 feet from the property line.

For the variance was Kevin Kohl of 761 N. Blossom Road and no one spoke against the variance.

Mr. Kalinowski made the motion to deny Appeals Case #1418 for Luke & Pamela Uebler of 771 N. Blossom Rd, Elma, NY who are requesting an area variance to install a shed with less than the required side yard setback §144-99 C6, Residential C based on the following criteria:

- 1) An undesirable change would be known.
- 2) The benefit could be achieved another way, there is over 5 acres.
- 3) The request is substantial, since it is a building.
- 4) The request would have an adverse physical or environmental effect.
- 5) The alleged difficulty is self-created in this case, due to the survey not being used for the correct measurements.

Seconded by Mr. Schafer. All-Yes

Appeals Case #1419 for John Rodgers of 1721 Woodard Rd, Elma, NY who is requesting an area variance for 2251 West Blood Rd to add a porch with less than the required 50 feet setback from the road line §144-99 C4, Residential C.

John was present and explained how the property is on an angle and the driveway runs the entire length of the house and the front door has no coverage.

Mr. Johnston asked if Mr. Rodgers is currently living at the house and was informed that he is not but he will be moving in. Mr. Kalinowski asked when he was looking to start, and the reply was before the winter months. Mr. Schafer asked if the length is 17 feet and if the entire thing would be covered. Mr. Schafer also asked about the location of the steps, and they will be to the right.

For the variance was John Rodgers Sr. who resides next store too the property and no one spoke against the variance.

Mr. Johnston made the motion to approve Appeals Case #1419 for John Rodgers of 1721 Woodard Rd, Elma, NY who is requesting an area variance for 2251 West Blood Rd to add a porch with less than the required 50 feet setback from the road line §144-99 C4, Residential C based on the following criteria:

- 1) An undesirable change would not be known.
- 2) The benefit could not be achieved another way.
- 3) The request is not substantial.
- 4) The request would have no adverse physical or environmental effect.
- 5) The alleged difficulty is not self-created in this case.

Seconded, Mr. Kalinowski All, Yes

Motion to adjourn at 7:38 pm by Mr. Carey seconded by Mr. Johnston.

Respectfully Submitted,

Kerry Galuski  
Zoning Board Secretary