

front entry way both having less than the required front property line setback § 144-78 D, C-1, that the variance be approved 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 not have an adverse physical or environmental effect.
- 5) The alleged difficulty is not self-created in this case.

Seconded by Mr. Trzepacz. Ayes: 5. Nays: 0

Appeals Case #1336 for Jason Mroz of 545 Winspear Road, Elma, NY who is requesting a variance to build a house with less than the required side yard setback § 144-99 C4, Residential C.

Mr. Mroz was present and explained all his drawings that were originally submitted to the Building Dept. showed 15 feet from the property line. Mr. Schafer made mention that unfortunately there was a mistake in reading the prints.

Mr. Kalinowski asked when the house was finished and was informed that it will not be complete until March of 2019. Mr. Kalinowski also asked if the bank had any issues with the 15 feet and Mr. Mroz replied that there were no issues.

For the variance was Derek Sullivan of 549 Winspear Road and no one spoke against the variance.

Mr. Carey made the motion for Appeals Case #1336 for Jason Mroz of 545 Winspear Road, Elma, NY who is requesting a variance to build a house with less than the required side yard setback § 144-99 C4, Residential C, that the variance be approved 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 not have an adverse physical or environmental effect.
- 5) The alleged difficulty is not self-created in this case.

Seconded by Mr. Trzepacz. Ayes: 5. Nays: 0

Appeals Case #1337 for Jeff & Jen Donhauser of 1840 Hall Road, Elma, NY who are requesting a variance to build a shed with less than the required side yard setback § 144-99 C4, Residential C.

Jeff and Jen Donhauser were present and explained how they are only 5 feet from the property line for a shed they installed. Mr. Schafer said the shed should be 75 feet back from the road and Mrs. Donhauser showed the board why they chose the location that the shed is located.

Mr. Kalinowski asked if the pad in the drawings is where the shed is positioned and was informed it is. Mr. Kalinowski also mentioned it is self-created and Mr. Carey asked when the shed was put in and was informed it was in 2018 and that the pad had been put in a few years before that.

Mr. Kwiek asked about the property and the fence located on the property. The Donhauser's mentioned that there are wetlands on the property. Mr. Kwiek mentioned the survey shows that the shed is 3.3 feet away from the property line. Mr. Trzepacz said he understood why the shed is located where it is.

Mr. Kalinowski suggested as to a possible location where the shed might be able to go on the property. Mr. Kalinowski also asked when the shed was started and the Donhauser's replied that it was started in October and that the door is currently not installed on it. Mr. Kwiek asked if they had a copy of the survey and they did.

For the variance was Mrs. Banas of 1181 Girdle Road and no one spoke against the variance.

Mr. Trzepacz made the motion for Appeals Case #1337 for Jeff & Jen Donhauser of 1840 Hall Road, Elma, NY who are requesting a variance to build a shed with less than the required side yard setback § 144-99 C4, Residential C, that the variance be denied based on the following criteria:

- 1) An undesirable change would be known.

- 2) The benefit could be achieved another way.
- 3) The request is substantial.
- 4) The request would have an adverse physical or environmental effect.
- 5) The alleged difficulty is self-created in this case.

Seconded by Mr. Carey. Ayes: 4. Nays: 1 (Mr. Kalinowski)

The motion was made to approve the minutes from November 13, 2018 by Mr. Trzepacz and seconded by Mr. Kwiek. Ayes: 5.

The meeting was adjourned at 8:04 PM. Motion made by Mr. Schafer and seconded by Mr. Kalinowski. Ayes: 5.

Respectfully submitted,

Kerry A. Galuski
Secretary-Clerk