

April 27, 2023

The regular meeting of the Town of Chautauqua Zoning Board of Appeals

Opening:

The regular meeting of the Town of Chautauqua Zoning Board of Appeals was called to order at 3:30 pm, on Tuesday, April 18th by Zoning Chairman, Troy Smith.

Board Members Present:

Chairman Troy Smith, L. James Hurley, Charlie Krause, Roberta Tenpas

Board Members Absent: Stan Marshaus

Others Present: Ken Shearer (Code Officer), Jeff Paddock (Code Officer), Nicole Yacklon (Code Clerk), Sidney R. Manchester, Ted Blanchard, Bob and Jill Mariea, Roger and Holly Ford, Scott Shurtleff, Ray Russ, Heike Jacob (Wendell Engineering), Christian Schlesinger (Forefront Power), Bert and Mary Rappole.

Agenda:

Case No. 1:

To act on the appeal of Sidney Manchester for the addition to an existing garage. The property is located at 6327 South Drive, Dewittville, NY 14728. And is designated on the official Chautauqua County Tax map as Section 263.06 Block 1, Lot 60 in a Residential Lakeside area which requires a variance for lot size, side yard setback, and one private garage not to exceed 775 sq. ft.

Public Comments: none

Board Comments: none

Requirements for which Variance is Requested: Lot size, side yard setback and one private garage not to exceed 775 sq. ft.

Applicable Section(s) of Zoning Code: 143-17A, 143-17C; 143-17D and 143-12A

Findings and Decision were read out loud: By Chairman Troy Smith

No area variance will be granted without 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: Response is. **NO**

Reasons: **New construction will enhance character of the neighborhood.**

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:

Response is. **NO**

Reasons: **Due to substandard lot size.**

4. Whether the requested variance is substantial: Response is. **NO**

Reasons: **Due to substandard lot size.**

5. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:

Response is. **NO**

Reason: **Addition is for boat storage which will enhance the physical condition.**

5. Whether the alleged difficulty was self-created: Response is. **YES**

Reason: **Being requested by the owner.**

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.

Reason: **No adverse impact on either the physical or environmental conditions in the neighborhood.**

The ZBA further finds that a variance of **53' lot width, 6.1' side yard setback and 89 sq. ft. oversize garage from Sections 143-17A, 143-17C and 143-12A 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.

CONDITIONS: The ZBA finds that the following conditions are necessary to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: **Silt Fence must be erected during construction and demolition.**

Adverse impact to be minimized: prevent run-off into Chautauqua Lake.

Condition No. 2:

Adverse impact to be minimized:

Motion: Chairman Troy Smith to Approve

Second: Charley Krause

Vote: Chairman, Troy Smith – Yes
Member, Charlie Krause – Yes
Member, L. James Hurley – Yes
Member – Roberta Tenpas - Yes

Motion Carried

Case No. 2:

Acting on the appeal concerns of Raymond Russ to add on to existing single family home. The property is located at 6023 Gull Road, Mayville, NY 14757 and is designated on the official Chautauqua County Tax map as Section 297.15 Block 2, Lot 18 in a Residential Lakeside district which requires a variance for lot size and left side yard setback.

Public Comments: none

Board Comments:

Requirements for which Variance is Requested: Lot size and left side yard setback.

Applicable Section(s) of Zoning Code: 143-30 A and 143-30C

Findings and Decision were read out loud: By Chairman Troy Smith

No area variance will be granted without 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: Response is. **NO**

Reasons: **New construction will enhance character of the neighborhood.**

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:

Response is. **NO**

Reasons: **Due to substandard lot size.**

3. Whether the requested variance is substantial: Response is. **NO**

Reasons: **Due to substandard lot size.**

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Response is. **NO**

Reason: **Addition will enhance physical conditions.**

5. Whether the alleged difficulty was self-created: Response is. **YES**

Reason: **Being requested by the owner.**

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.

Reason: No adverse impact on either the physical or environmental conditions in the neighborhood.

The ZBA further finds that a variance of 16,200 sq. ft. lot size, 25' lot width and 3" left side yard setback from 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.

CONDITIONS: The ZBA finds that the following conditions are necessary to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: **Silt Fence must be erected during construction and demolition.**

Adverse impact to be minimized: prevent run-off into Chautauqua Lake.

Condition No. 2:

Adverse impact to be minimized:

Motion: Chairman Troy Smith to Approve

Second: L James Hurley

Vote: Chairman, Troy Smith – Yes
Member, Charlie Krause – Yes
Member, L. James Hurley – Yes
Member – Roberta Tenpas - Yes

Motion Carried

Case No. 3:

Acting on the appeal concerns of Patricia Wilhelm. The property is located 6470 Sandalwood Lane, Mayville, NY 14757 and is designated on the official Chautauqua County Tax map as Section 246.13 Block 2, Lot 73, located in a Residential Lakeside district which requires a variance for lot size, lot width, front yard setback and side yard setbacks.

Public Comments: none

Board Comments:

Requirements for which Variance is Requested: Permitted accessory uses and structures, any accessory uses and structures permitted in the R district, one private garage not to exceed 775 sq. ft. in size and oversize by 545 sq. ft.

Applicable section(s) of Zoning Code: 143-16, 143-16A and 143-12A

Findings and Decision were read out loud: By Chairman Troy Smith

No area variance will be granted without 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: Response is. **NO**

Reason: **New construction will enhance the character of the neighborhood.**

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Response is. **NO**

Reason: **Due to substandard lot size.**

3. Whether the requested variance is substantial: Response is. **NO**

Reason: **Due to substandard lot size.**

4. Whether the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Response is. **NO**

Reason: **Pole barn will not have an adverse impact on either condition.**

5. Whether the alleged difficulty was self-created: Response is. **YES**

Reason: **Being requested by the owner.**

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.

Reason: No adverse impact on either the physical or environmental conditions in the neighborhood.

The ZBA further finds that a variance of **Permitted accessory uses and structures, any accessory uses and structures permitted in the R district and oversize by 545 sq. ft. from 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.

CONDITIONS: The ZBA finds that the following conditions are necessary to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: **Silt Fence must be erected during construction and demolition.**

Adverse impact to be minimized: **prevent run-off into Chautauqua Lake.**

Condition No. 2:

Adverse impact to be minimized:

Motion: Chairman Troy Smith to Approve

Second: Roberta Tenpas

Vote: Chairman, Troy Smith – Yes
Member, Charlie Krause – Yes
Member, L. James Hurley – Yes
Member – Roberta Tenpas - Yes

Motion Carried

Case No.4:

Acting on the appeal concerns of Bob and Jill Mariea for a storage shed. The property is located at 6013 Elmwood Road, Mayville, NY 14757 and is designated on the official Chautauqua County Tax map as Section 246.13 Block 3, Lot 9, located in a Residential Lakeside district which requires a variance for lot size, front yard setback, rear yard side yard setback.

Public Comments: Concerns from neighbor about pooling water on their property from area of shed. Neighbor has volunteered to install an 8-inch drain from the shed to the road and Bob Mariea has agreed to allow the neighbor to install the drain.

Board Comments:

Requirements for which Variance is Requested: Lot size, front yard setback, side yard setback and rear yard setback, Applicable section (s) Zoning Code: 143-17A, 143-17B, 143-17C and 143-D.

Findings and Decision were read out loud: By Chairman Troy Smith

No area variance will be granted without 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: Response is. **NO**

Reasons: **New construction will enhance the character of the neighborhood.**

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:

Response is. **NO**

Reasons: **Due to substandard lot size.**

3. Whether the requested variance is substantial: Response is. **NO**

Reasons: **Due to substandard lot size.**

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Response is. **NO**

Reason: **Storage building will not have an adverse impact on either condition.**

5. Whether the alleged difficulty was self-created: Response is. **YES**

Reason: **Being requested by the owner.**

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.

Reason: **No adverse impact on either the physical or environmental conditions in the neighborhood.**

The ZBA further finds that a variance of **12,386.40 sq. ft., lot size, 46.67 lot width, 20.4 front yard setback, 2.9' side yard setback and 8.37' rear yard setback from sections 143-17A, 143-17B, 143-17C and 143-17D 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.

CONDITIONS: The ZBA finds that the following conditions are necessary to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: **Silt Fence must be erected during construction and demolition.**

Adverse impact to be minimized: **prevent run-off into Chautauqua Lake.**

Condition No. 2: **Gutters on building**

Adverse impact to be minimized: Prevent water from pooling in neighbor's property.

Condition No. 3: **Neighbor Richard Newell will install drainage to the road.**

Adverse impact to be minimized: **Prevent water from pooling in neighbor's property.**

Condition no. 4: **No further enhancements to the building than authorized by this variance.**

Motion: Chairman Troy Smith to Approve

Second: L James Hurley

Vote: Chairman, Troy Smith – Yes
Member, Charlie Krause – Yes
Member, L. James Hurley – Yes
Member – Roberta Tenpas - Yes

Case No. 5: Arcadis / Forefront Power with a proposed Solar Collection facility located at 6455 Cadenza Passage. Christian Schlesinger from Fore Front power and Heike Jacobs from Wendell Engineering reviewed the concerns and questions that had been sent to them and provided their feedback and research by responding to the questions and concerns from Alternate Member, William Bill Titus as well as the neighbors of the property that abuts the proposed location.

Public Comments: Neighbors had additional concerns and provided those to both companies for their consideration and further review.

Board Comments:

Meeting was adjourned at 4:55pm

