

November 15, 2022

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, November 15, 2022, by Zoning Chairman, Troy Smith.

Board Members Present:

Troy Smith, Chairman, Rick Syper, William (Bill) Titus, Roberta Tenpas, & Charlie Krause

Board Members Absent:

Stan Marshaus

Others Present:

Ken Shearer, Jeff Paddock, Nicole Yacklon, Norman Green.

Case No. 1: To act on the appeal concerns of Stephen (Roger) Severson and Gail Nelson to build a garage in a Residential Lakeside district. Property is located at 5937 Akam Galloway Road Mayville, NY 14757, and is designated on the official Chautauqua County Tax map as Section 246.18, Block 1, Lot 38.

Public Comments:

None

Board Comments:

None

Requirements for which Variance is Requested:

Lot and Garage size.

Applicable Section(s) of Zoning Code:

143-17A and 143-18D

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

No area variance will be granted without a 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: **Requesting storage for boat and auto storage.**

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

Response is. **NO**

Reason: Requesting storage so storage building needs to be built.

3. Whether the requested variance is substantial:

Response is. **NO**

Reason: **Exceeds garage size allowed but additional size is outside lean to for boat.**

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

Response is. **NO**

Reason: **Will not have any adverse impact on either of the 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: **Requesting boat and auto storage. No adverse impact on either the physical or environmental conditions in the neighborhood.**

The ZBA further finds that a variance of, **25' lot width and 377 sq. ft. oversize garage** from Sections **143-17A and 143-18D**, of the Zoning Code is the minimum variance that should be granted 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.

Adverse impact to be minimized: **To prevent runoff into Chautauqua Lake.**

Condition No. 2:

Adverse impact to be minimized:

Motion: By Chairman, Troy Smith

Second: By, Roberta Tenpas

Vote: Chairman, Troy Smith – yes

Member, Charlie Krause – yes

Member, William (Bill) Titus – yes

Member, Rick Syper – yes

Member, Roberta Tenpas - yes

Carried: Variance approved.

Case No. 2: To act on the appeal of **Mark McDevitt and Gail Nelson** for a picnic pavilion set in a Rural Lakeside district. Property is located at 6488 Galloway Road, Mayville, NY 14757, and is designated on the official Chautauqua County Tax map as Section 246.18, Block 1, Lot 75.

Public Comments: None

Board Comments: the board would like additional information from the homeowner before they decide.

Motion: Chairman Troy Smith to table until Dec. 20th meeting

Second: William (Bill) Titus

Vote: Chairman, Troy Smith – Yes

Roberta Tenpas – No

Richard Syper – Yes

Charles Krause – Yes

William (Bill) Titus - Yes

Carried: to table variance until December 20th, 2022.