



TOWN OF LEWISTON
1375 Ridge Road
Lewiston, New York 14092
(716) 754-8213
www.townoflewiston.us

ZONING BOARD OF APPEALS

Thursday – June 14, 2018
7:00 P.M. – Town Hall

- A. Approval of meeting minutes
- B. **Previously tabled – Variance Request - Simon – Creek Road – SBL# 102.09-1-3
(Please bring pack from last month)**
- C. Variance Request – Spagnolo – Dickersonville Road – SBL# 76.00-1-1
- D. Variance Request – Jackel – Riverview Ave. – SBL# 130.06-1-17
- E. Miscellaneous

PLEASE NOTIFY SANDY IF YOU CANNOT ATTEND

150.



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Fee 150.00 Date Paid 5/29/18 Hearing Date 6/14/18 Approved _____ Denied _____

24013

Appeal to the Zoning Board
Area Variance, Use Variance and/or Interpretation

Applicant	Owner(s) (If not applicant)	Attorney/ Agent
Name <u>Gregory M. Spagnolo & Alison R. Spagnolo</u>		
Address <u>10403 Loretta Dr, Niagara Falls, NY 14304</u>		
Phone/Fax <u>(716) 417-7789</u>		
Email <u>GSpagnolo@NFPoliceClub.com</u>		

Property Information

Property Address 4005 Dickersonville Rd. Side of street (north, east, etc.) east

Tax Parcel No 76.00-1-1

Date acquired by owner 04/06/2018 Zoning District when purchased RR

Present use of property Remadel for personal residence Current Zoning District RR

Has previous ZBA applicant/appeal been filed with property? Yes _____ No X If yes, when? _____

For what _____

Is property located within a 500' of a State Park, town or city boundary or county/state highway? Yes

Area Variance - Please answer the following (add additional information as necessary)

That applicant has requested relief from the following Town of Lewiston Zoning Ordinance(s) (Please provide the Article Numbers) _____

Chapter 360 Article XXVI (360-185)

Dimension Requirements	To	From
Height	18'	20'

Additional Information _____

In order for the Zoning Board of Appeals to grant an Area Variance, it must fully and carefully balance the benefits to the applicant with the health, safety and welfare of the neighborhood and community, taking into consideration ALL of the following.

I. Whether the benefit sought by the applicant can be achieved by other feasible means. Identity what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc) and why they are not feasible.

The only feasible remedy to meet the building code is to lower the walls to 12' high or to put a 3/12 pitch roof on the building, thus allowing snow to accumulate easier.

II. Whether granting the area variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons.

The building will be built approximately 150' from the road, and cannot be seen by either of our next door neighbors. It's view from the street is also limited. I believe this building will make the neighborhood appear more desirable if allowed to be built to our vision. There are also larger structures in the immediate area that do not take anything from the neighborhood.

III. Whether the variance is substantial. The Zoning Board of Appeals (ZBA) will look at the magnitude of relief sought by the applicant and compare it to the current Zoning Law. For example, if the applicant is seeking a variance for a 6 foot side yard setback and the Zoning Law states a minimum 10 foot side yard setback, the ZBA will decide if granting a variance for 6 feet is substantial or not.

We want to have the roof peak at 20' instead of what newer building code calls for at 18'. Having the extra height will allow us to put a loft in the barn to house a dust collection system (help isolate the noise), as well as build the porch with a drop from the main roofline. It will also allow us to use a 4/12 pitch roof which will last longer than a 3/12 we would have to do at 18'.

IV. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons.

The variance will not have an adverse physical or environmental effect on the neighborhood because of its location. It will be set back from the road and beyond our house. Due to trees in the front of the property, I believe any impact this building will have on the area is negligible.

Brief description of the proposed action My wife and I would like to build a pole barn (garage) 36' x 48' x 14' walls. In doing so with a 4/12 pitch roof, the total building height will be 20' high.

Is there a written violation for this parcel that is not the subject of this application? Yes No

Has the work, use or occupancy to which the appeal relates already begun? Yes No

Identify the type of appeal you are requesting Area Variance Use Variance Interpretation

V. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created.

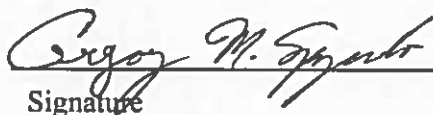
The difficulty was only self created to help make the building more aesthetically pleasing. The porch that will be attached will feature a drop from the roofline, rather than carrying over the roofline to the porch as well. Please see pictures I have provided to better help me explain. A loft inside will also be added for storage and a small hobby workspace.


Applicant Signature

I/We the property owner(s), or purchaser(s), lessee(s) under contract of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature attached hereto, I/We believe the information provided within this application and accompanying documentation to be true and accurate. I/We further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/We hereby authorize the members of the Zoning Board of Appeals to enter the property associated with this application for purposes of conducting any necessary site inspections related to the fact finding process with regard to this pending application.


Signature


Signature

05/29/2018
Date

05/29/18
Date

150.



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Fee 150.00 Date Paid 6/4/18 Hearing Date 6/14/18 Approved _____ Denied _____

#24028
130.06-1-17

Appeal to the Zoning Board

Area Variance, Use Variance and/or Interpretation

Applicant	Owner(s) (If not applicant)	Attorney/ Agent
Name <u>ROBERT JACKEL</u>		
Address <u>5960 RIVERVIEW AVENUE, NIAGARA FALLS, NY 14305</u>		
Phone/Fax <u>(716) 628-1553</u>		
Email <u>RBJACKEL@YAHOO.COM</u>		

Property Information

Property Address 5960 RIVERVIEW AVENUE Side of street (north, east, etc.) SOUTH

Tax Parcel No 130.06-1-17

Date acquired by owner JAN 2015 Zoning District when purchased R1

Present use of property RESIDENTIAL Current Zoning District R1

Has previous ZBA applicant/appeal been filed with property? Yes No If yes, when? 06/2012

For what POLE BARN 3' too close to the ROAD

Is property located within a 500' of a State Park, town or city boundary or county/state highway? NO

Brief description of the proposed action I AM REQUESTING TO BUILD A
Single story Addition onto current structure to connect house
to the pole barn. In doing so I will need A VARIANCE due
to the NORTH EAST Corner of the Addition going 10'10" over the
SETBACK of 40'.

Is there a written violation for this parcel that is not the subject of this application? Yes No

Has the work, use or occupancy to which the appeal relates already begun? Yes No

Identify the type of appeal you are requesting Area Variance Use Variance Interpretation

Area Variance - Please answer the following (add additional information as necessary)

That applicant has requested relief from the following Town of Lewiston Zoning Ordinance(s) (Please provide the Article Numbers) 360-38 YARDS REQUIRED

Dimension Requirements	To	From
<u>NORTH EAST CORNER of Addition is 10' 10" over</u>	<u>29.2'</u>	<u>40'</u>
<u>the required setback requirement.</u>		

Additional Information _____

In order for the Zoning Board of Appeals to grant an Area Variance, it must fully and carefully balance the benefits to the applicant with the health, safety and welfare of the neighborhood and community, taking into consideration ALL of the following.

I. Whether the benefit sought by the applicant can be achieved by other feasible means. Identity what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc) and why they are not feasible.

THERE ARE NO other feasible means to complete this project.
THE NORTH & East property boundaries are both ROADS AND AN
alternative design would defeat the purpose of An addition to
connect the pole barn to the current building (House). Also
another design would not be feasible due to the design
of the current house.

II. Whether granting the area variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons.

The granting of this variance will only have a positive change in the character of the neighborhood. It is the only house on the street, and will allow me to take down our front fence as well.

III. Whether the variance is substantial. The Zoning Board of Appeals (ZBA) will look at the magnitude of relief sought by the applicant and compare it to the current Zoning Law. For example, if the applicant is seeking a variance for a 6 foot side yard setback and the Zoning Law states a minimum 10 foot side yard setback, the ZBA will decide if granting a variance for 6 feet is substantial or not.

The variance is NOT substantial, 40' is the required setback and we will be AT 29.2'. That is less than a 18% request.

IV. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons.

There are no adverse physical or environmental effects on the neighborhood or district. I will actually be planting more trees in an attempt to recover from the Ash trees that have been killed on my property.

V. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created.

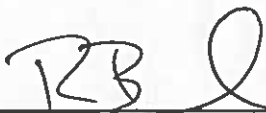
It was not self created, it is due to the location of the current house and the distance it was originally built from the setback. Also the pole barn was built where it is due to the location of the house. So the only way to put this addition on is with this requested variance.

Applicant Signature

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Signature

Signature

4 Jun 2018

Date

Date