

ZONING BOARD OF APPEALS

**Town of Lewiston 1375 Ridge Road Lewiston New York
Thursday – September 9, 2021
ZB 2021-9**

Present: Conti, DeCastro, Heuck, Machelor, Maggard

Presiding: Norman Machelor, Chairman

A motion to approve the minutes of August 12, 2021, was made by Heuck, seconded by DeCastro and carried.

Machelor: For those who have not attended a Zoning Board meeting before, the task of the Board is to grant or deny requests to vary the Town of Lewiston Code, hence a variance request to allow or disallow a project brought to us because it cannot be built or preformed as presented without a hearing to determine whether upon presentation of the details of their request the Board will grant a variance to continue the project or denial to prohibit a project as presented.

Public Hearing Open

The first item on the agenda was a request from Gerald Armagost, 5174 Bridgeman Road, SBL# 104.00-2-55, for a variance from Section 360-53, area and dimensional standards (2) from the required 15' side yard setback to 6.5' to allow for a 20'x20' garage addition. The property is presently zoned RR, rural residential.

Machelor: Is there someone here to represent Armagost? Please come forward, state your name and address for the record.

Gerald Armagost, 5174 Bridgeman Road, Sanborn.

Machelor: Mr. Armagost, describe why you need a variance.

Armagost: I would like to expand my garage. I do some wood working in my garage but I would like to be able to remove my tools and still park my vehicles in my garage.

Machelor: Why do you need a variance?

Armagost: Because I'm too close to the property line.

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Machelor: When we see your property it appears to me that your home was built sort of on an angle to your property line. I think you got a variance to have your building as close as 9.8' to the property line.

Armagost: That was in 1997.

Machelor: That is not going to be corrected. You were given a variance for that and at the end the house is only 8.3' from the property line.

Conti: The front of your garage, you got a variance for 9.82' from the lot line. 9.82' I guess is what was approved for the whole thing. You went 8.31' from the lot line on the back part of the garage. You're actually over the original variance by 1.5' from what you were approved for 9.82'.

Armagost: That was a long time ago.

Conti: We're not looking to correct the garage now. He's just trying to explain the fact that it was approved for one but you added an additional amount to it.

Armagost: There was already a pad there and they built the garage on that pad. When we applied for a variance

Machelor: Nobody came and said you didn't do it right so you just have kept that. However, you could put this building there and not put it any closer to the lot line than the 8.3 that you are already there.

Armagost: The wall would have to be crooked?

Machelor: It wouldn't be crooked; it would go straight back from your house to a point that is 8.3' from the lot line just like your house is. Do you understand?

Armagost: No, the house sits like this, the property sets like this.

Conti: In other words, your garage goes back like this and at that point it would straighten out and go straight back perpendicular with the lot line. So, what he's saying is keeping it at 8.31' both the front and the back. Going to 6.5', the side setback rule is 15'. It's a very substantial amount to cut off of the setback but since your garage is already at 8.31', we would be willing to say yes keep it at 8.31' and just go straight back.

Machelor: You could call it a small angle where you would go back. Instead of compounding the error that seems to be keep making, getting closer and closer to the property. When you put it in the ground, you're going to go straight back and where the end of your new garage is,

is going to be 8.3' from the property line just like your house is. So, then you're not asking for a variance.

Conti: He's still asking for a variance. He will get a variance to the 8.3'. We're just trying to correct that part.

Armagost: I understand.

Machelor: We don't want to keep doing the same thing and making it worse.

Seaman: So, you're suggesting that his wall of his garage is now going to have an angle on it?

Conti: The wall of the addition instead of going straight back this way, it will hit the garage where it's at now and then just straighten out. It's not actually an angle.

Armagost: It will run parallel with the property line, versus being perpendicular with the existing garage. I don't see a problem. It's not that much of a difference.

Maggard: You would lose about 2' at the back end of it.

Armagost: I can live with that.

Machelor: If you want you can amend your motion and ask that we allow the garage to be 8.3' from your property line at both, going to the west. That corner will still be 8.3' from the property line. Whoever builds this for you, will it be you?

Armagost: No.

Machelor: Whoever builds it for you, you have to explain to them what you have. You have a 20' building so you should be able to do....

Armagost: It's for storage so I could live with that.

Machelor: What does he have to do to formally do this?

Conti: We will make it with the conditions of that.

Maggard: Granted with conditions.

Machelor: Gary questions? Damon?

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A motion based on the Board's discussion and following considerations the Zoning Board determines that the benefit of the variance to the applicant outweighs any detriment to health, safety and welfare to the community, that the variance requested is the minimum necessary and it be granted with the following conditions: 8.31' from the lot line, the same as the back of the garage was made by Conti, seconded by DeCastro and carried. Conti Aye, DeCastro Aye, Heuck Aye, Machelor Aye, Maggard Aye

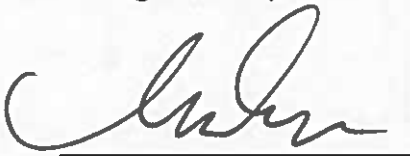
The next meeting will be October 14, 2021, at 6:30 P.M.

A motion to adjourn was made by Heuck, seconded by Conti and carried.

Respectfully submitted,



Sandra L. VanUden
Zoning Secretary



Norman Machelor
Chairman

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held by the Zoning Board of Appeals of the Town of Lewiston on September 9, 2021, at 6:30 P.M. in the Town Hall, 1375 Ridge Road, Lewiston, New York to act on the following application:

Gerald Armagost, 5174 Bridgeman Road, SBL# 104.00-2-55, requests a variance from Section 380-53, Area and dimensional standards (2) from the required 15' side yard setback to 8.5' to allow for a 20'x20' garage addition. The property is presently zoned RR, rural residential.

Information concerning this request is on file and available for inspection during normal business hours at the above-named office. All citizens and persons of interest will be given an opportunity to be heard.

Norman Machelor
Zoning Chairman
#N288853

9/2/2021