

****TOWN OF GRAND ISLAND****
ZONING BOARD OF APPEALS

MINUTES
August 4, 2022

MEMBERS PRESENT: Chairman Bob Mesmer, Betty Harris, John Braddell, Tim Phillips and Dan Drexelius

MEMBERS ABSENT: None

OTHERS PRESENT: Chris Cullen, Code Enforcement Officer
Mike Madigan, tech support

*Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo’s Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, the Zoning Board of Appeals of Grand Island will be held electronically via the Town’s website link/You Tube Channel as well as a public meeting open for the public to attend in person. Members of the public may view the Zoning Board’s meetings by connecting to the You Tube Channel via the Town’s website: www.grand-island.ny.us. or be heard by connecting via the zoom link provided on the Town’s website.

Chairperson, Robert Mesmer opened the meeting at 7:00 p.m. and introduced the members of the Zoning Board of Appeals and explained the process.

NEW BUSINESS:

1) 2205 East River Road – Donald Kutzbach

This property is zoned R-1C. The applicant is requesting to remove an existing wood deck to erect a new sunroom addition on the rear of the dwelling. The variances are as follows: A 2 ft. rear yard setback variance from the rear lot line, as the structure will only be 48’ away from the line. Also, a 4 ft. side yard setback since the proposed sunroom will be in line with the existing dwelling which is located only 8 ft. from the side lot line.

Appearing before the Board was a representative from Fitch Construction explaining what the homeowners were requesting. The new sunroom would follow the lines of the existing house and would not enlarge the original footprint of the old deck. It was also noted that the lot adjacent to this home was vacant.

A **motion** was made by Harris/ Phillips to close the public hearing. All in favor.

A **motion** was made by Phillips / Drexelius to **GRANT** the request for a 2 ft. rear yard setback variance for the construction of a sunroom addition on the rear of a single family dwelling at 2205 East River Road.

Roll Call:

Ayes: Harris, Braddell, Phillips, Mesmer, Drexelius

Noes: None

Carried

A **motion** was made by Phillips / Drexelius to **GRANT** the request for a 4 ft. side yard setback variance for the sunroom to stay in line with the existing house 8ft. from side lot line at 2205 East River Road.

Roll Call:

Ayes: Braddell, Harris, Mesmer, Drexelius, Phillips

Noes: None

Carried

Rationale:

1. This is a long standing non-conforming lot with existing single family dwelling. The variance for the sunroom will not expand the non-conformity.
2. This proposed sunroom will follow the existing building side line and it is in general conformity with the neighborhood.
3. The granted setbacks were not substantial and the benefit sought could not be achieved any other way.

2) 5367 East River Road – Charles Morell

This property is zoned R1C. The applicant is requesting to locate a new shed next to his driveway and Town Code §407-142.A states all accessory storage buildings shall be setback from side and rear lot lines by a distance equal to or greater than the height of the proposed building (13' tall), making an 8 ft. side yard setback variance necessary to locate the shed within 5 ft. the lot line.

Appearing before the Board was Chuck Morell who resides at 5367 East River Road. Mr. Morell explained his request for the side yard setback variance explaining that his driveway splits his parcel in half and on either side of the driveway if he followed the required setback rule the shed would end up in the driveway. Also, the location he would like to put the shed would line up or conform to what the adjacent neighbors had done. Chairman Mesmer explained the reasoning for the required setback and asked Mr. Morell if he would consider dropping the building height to 10 ft. Mr. Morrell said he was there to work with the Board but would really like the building to match his home with a steeper roof peak and was concerned how it would look next to his neighbor's larger garage. The Board discussed options

among themselves to minimize the requested variance. Mr. Morrell said he could gain a foot by moving the shed 4 ft. to the north, 1 ft. to towards the driveway and reduce the height by 2 feet to 11 ft. tall.

A **motion** was made by Braddell / Harris to close the public hearing. All in favor.

A **motion** was made by Phillips / Drexelius to **GRANT** the request for a 4 ft. side yard setback variance for an 11 ft. tall shed to be located 6 ft. off the side lot line at 5367 East River Road.

Roll Call:

Ayes: Harris, Braddell, Mesmer, Phillips, Drexelius

Noes: None

Carried

Rationale:

1. This variance request will not create a detriment to nearby properties.
2. This variance request is reasonable and compatible with other accessory structures in the neighborhood.
3. The Board recognizes the need for storage.

3) 4019 East River Road – Eric Zellner

This property is zoned R-1B. The applicant is requesting to remove an existing dwelling to construct a new single-family dwelling on the existing lot. The East River Road County R.O.W. makes a 33 ft. encroachment into the lot. Therefore, the location and size of the new dwelling conflicts with Town Code §407, Schedule 1. The proposed dwelling will be 17.5 ft. from the front lot line so a 32.5 ft variance request is necessary and proposed dwelling will be 29 ft. from the rear lot line making a 21 ft. variance request necessary.

Appearing before the Board was architect David Show who resides at 113 Norwood Ave. Hamburg NY., and property owner Eric Zellner. Mr. Show explained to the Board the project for 4019 East River Road consisting of demolishing the existing home that is currently in the flood plain, bringing in fill to raise the elevation of the new home out of the flood plain and then trying to fit the new home on a unique shaped lot. Mr. Show also stated that the county right of way takes a big jog into the parcel and greatly reduces the size of the front yard. A Board member asked about the garage and Mr. Show replied that they would be constructing a new garage but not at this time.

A **motion** was made by Harris / Phillips to close the public hearing. All in favor.

A **motion** was made by Phillips / Drexelius to **GRANT** the request for a 32.5 ft. front yard setback variance for the construction of a new single family dwelling at 4019 East River Road.

Roll Call:

Ayes: Mesmer, Braddell, Harris, Drexelius, Phillips

Noes: None

Carried

A **motion** was made by Phillips / Drexelius to **GRANT** the request for a 21 ft. rear yard setback from the required 50 feet for the construction of a single-family dwelling at 4019 East River Road.

Rationale:

- 1. This variance request will not create a detriment to nearby properties.
- 2. This variance request will not have an adverse effect on the environment.
- 3. this is a very unique shaped lot with water on three sides and no adjacent neighbors and will not obstruct adjacent properties views

4) 2343 Staley Road – James Daigler

This property is zoned R-1A. The applicant is requesting to construct a 36’ x 36’ (1296 sq. ft.) detached garage in the side yard. The applicant currently has an 896 sq. ft. detached garage making a total of 2192 sq. ft. of storage space. Town Code §407-142 C. allows storage space for up to 1700 sq. ft. total of all buildings, making a 492 sq. ft. area variance necessary for storage space.

Appearing before the Board was Sam Daigler son of James Daigler, representing his father’s request for a detached garage. This garage would be strictly for storage of a golf cart, several cars and lawn equipment. Chairman Mesmer stated they had a survey in front of them and said that it appeared to be two separate lots and asked if they had been joined together. Sam replied yes, to the best of his knowledge the lots had been combined years ago.

A **motion** was made by Braddell / Drexelius to close the public hearing. All in favor.

A **motion** was made by Phillips / Harris to **GRANT** the request for a 492 sq. ft. area variance for the construction of a detached 36’ X 36’ garage making a total of 2192 sq. ft of storage space at 2343 Staley Road. NO COMMERCIAL USE.

Roll Call:

Ayes: Phillips, Mesmer, Braddell, Harris, Drexelius

Noes: None

Carried

Rationale:

- 1. The Board recognizes the need for more storage
- 2. The variance amount was a reasonable request and compatible use of the residential property

3. This structure will not produce an undesirable change in the character of the neighborhood
4. This garage will have little impact to the neighborhood due to the large size of the lot.

5) 883 N Colony Road – Karen Ensminger

This property is R-1D. The applicant is requesting to construct a new single-family dwelling on a vacant lot. The Town Code §407 Schedule 1, allows for a maximum building height of 35' and the proposed dwelling will have an average building height of 40', making a height variance request of 5' necessary.

Appearing before the Board was the contractor representing Ms. Ensminger, Dave Bruno. Mr. Bruno explained that this house is on a slight slope with a walk out basement so the front of the house measured differently than the rear. If the average or mean height was calculated the single family dwelling would require a 5 ft. height variance. The elevation of the home has already been approved by the Architectural Review Board.

Speaker, Lee Nowocien who resides at 1671 West River Road, came to represent a family member who lives just south of 883 Colony. Mr. Nowocien was concerned about the view of the river for neighboring residents with a house of that size being constructed. Mr. Bruno responded that the home would stay in line with other riverfront homes and would not impact adjacent homeowner's views of the river.

A **motion** was made by Harris / Drexelius to close the public hearing. All in favor.

A **motion** was made by Braddell / Harris to **GRANT** the request for a 5 ft. height variance for the construction of a single family dwelling at 883 N Colony Road.

Roll Call:

Ayes: Harris, Braddell, Drexelius, Mesmer, Phillips

Noes: None

Carried

Rationale:

1. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood
2. This structure will not produce an undesirable change in the character of the neighborhood

6) 5533 East River Road – Kurt Villani

This property is zoned R1C. A 10 ft. height variance was granted for the construction of a pool house and gazebo in the rear yard on July 1, 2021. The

Villani's have had trouble finding available contractors and are looking for an extension to the granted variances.

A **motion** was made by Harris / Phillips to **GRANT** an extension to the height variances approved on December 2, 2021 for the construction of a pool house and gazebo at 5533 East River Road.

Roll Call:

Ayes: Mesmer, Phillips, Harris, Phillips, Drexelius

Noes: None

Carried

OLD BUSINESS - NONE

APPROVE MINUTES:

A **motion** was made by Harris / Drexelius to Approve the July 7, 2022 ZBA Minutes as written. The meeting was held live via zoom and may be viewed on the town You Tube site.

Roll Call:

Ayes: Mesmer, Drexelius, Harris, Braddell, Phillips

Noes: None

Carried

OTHER MINUTES AVAILABLE FOR REVIEW

Board of Architectural Review Minutes –May 17, 2022

Planning Board Agenda –July 11, 2022

Planning Board Minutes-May 9, 2022

Town Board Agenda – Regular Meeting #11, June 27, 2022,

Town Board Minutes –Regular Meeting #10, June 6, 2022,

A **motion** was made by Braddell / Drexelius to adjourn the meeting at 7:56 p.m. All in favor.

Minutes prepared by Rhonda Tollner, Zoning Clerk. The meeting was conducted via Zoom and may be viewed on the town You tube link.