

BOARD OF APPEALS MINUTES

FEBRUARY 8, 2005 7:00 P.M.

On Tuesday February 8, 2005, at 7:00 p.m. the Clarence Zoning Board of Appeals heard the following requests for variances:

APPEAL NO I

**Sean McDonald
Residential B**

Requests the Board of Appeals approve and grant

two variances:

1) A forty five foot (45') variance creating a zero foot (0') front lot line setback on the south property line of Stage Road for the construction of a pole barn at 4617 Ransom Road.

2) A one hundred twenty square foot (120 Sq.Ft) variance to allow an eight hundred forty square foot pole barn (840 Sq. Ft) at 4617 Ransom Road. (Driveway is on Stage Road)

**APPEAL NO I - is in variance to Article II, section 30-12 B, size of yards and section 30-13 B,
accessory buildings.**

ATTENDING: **Ronald Newton**
 John Brady
 John Gatti
 Arthur Henning
 Raymond Skaine

INTERESTED
PERSONS: **Sean McDonald**
 Nancy McDonald
 Dominic Insinna
 Scott Bylewski

MINUTES

Motion by Raymond Skaine, seconded by John Gatti to approve the minutes of the meeting held on January 11, 2005 as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO I
Sean McDonald
Residential B

Requests the Board of Appeals approve and grant two variances:

1. A forty five foot (45') variance creating a zero foot (0') front lot line setback on the south property line of Stage Road for the construction of a pole barn at 4617 Ransom Road.
2. A one hundred twenty square foot (120 sq ft) variance to allow an eight hundred forty square foot (840 sq ft) pole barn at 4617 Ransom Road. (Driveway is on Stage Road).

DISCUSSION:

After reading the request, Chairman Newton asked Mr. Insinna, the next door neighbor on Stage Road if he had anything to add. Mr. Insinna said he was concerned with how close the pole barn would be to the road, the type of construction, and if it is going to fit in with the existing structure. Mr. McDonald would like the pole barn to provide a place for his truck, and future cars of his children. They have a one to one and a half car garage, and it is a little cluttered, so they need more storage room. John Gatti said the size and the nature of the pole barn is out of character with the neighborhood. Mr. Gatti said if he was living next door, it is not the kind of structure he would want to see. It needs to be a different kind of structure, not a pole barn. Mr. McDonald said they had considered a garage, but it was a more expensive way to go. Ray Skaine said there are five factors that they look at for a variance. The first factor is whether an undesirable change will be created in the neighborhood. Your next door neighbor is not going to have any view on Ransom Road or to the west from his house. It may even create a hazard backing out of his driveway. Another factor is can the applicant pursue another method other than the area variance? I think you have property up toward Ransom Road, and you could maybe go on that side. Another factor is whether the area variance is substantial. An 840 square foot building is quite substantial, that is a good size garage. I saw nothing in the neighborhood that was like what you are requesting. I don't see a zero lot line happening. Also

whether the hardship is self created is another factor. I definitely think this is self created. You knew what it was when you bought it four years ago. These are the reasons I am not in favor of it. Arthur Henning questioned why the structure would have to be where it has been proposed. Mr. McDonald said it is the only place it would look aesthetically proper. Mr. Henning said you could move it closer to the pool. Mr. McDonald said it could move closer to the pool, but then you are losing the aesthetics of the house. It would be ten feet away from the house. It wouldn't look right. Arthur suggested making the building smaller. Mr. McDonald said he has an F350 crew cab with an eight foot back. John Brady said he was not in favor of a zero lot line setback. Ron Newton asked if the building could be placed in the north east corner of the property. Mr. McDonald said there wouldn't be enough room for a driveway between the pool and the fence. Ron Newton said he thinks that it would be creating a hazard for the neighbors, it is changing the character of the neighborhood, and the size of the building is inappropriate. It would be more appropriate in an Agricultural zone, not in a Residential zone. Mr. McDonald asked if anyone had any suggestions as to what he could do. Mr. Newton said "Not with what is being presented." Mr. Insinna suggested extending the present garage toward the road. Mr. McDonald said he would have to get a variance from Erie County.

ACTION:

Motion by Raymond Skaine, seconded by Arthur Henning to DENY Appeal No I as requested. It will block the view of the neighbors and other possible problems. The applicant could come up with another location for the building. The area variance is substantial. It would change the character of Ransom and Stage Roads. It is a self created hardship.

ALL VOTING AYE. MOTION CARRIED.

Meeting adjourned at 7:30 p.m.
Ronald Newton, Chairman