

BOARD OF APPEALS MINUTES

On Tuesday September 14, 2004 at 7:00 p.m. the Town of Clarence Zoning Board of Appeals heard the following requests for variances:

APPEAL NO I
Kristopher Holden
Residential B

Requests the Board of Appeals approve and grant a two foot (2') variance creating a six foot (6') fence height between Boyd and side of house at 4775 Ransom Road.

APPEAL NO I is in variance to L.L. 101-3 C, fence regulations.

APPEAL NO II
Brooks Davidson
Residential A

Requests the Board of Appeals approve and grant a three foot eight inch (3'8" variance creating a one foot four inch (1'4") rear lot line for shed at 9391 Pine Breeze Lane. (Shed is already in place).

APPEAL NO II is in variance to Article II, section 30-13 A, accessory buildings.

APPEAL NO III
Tim Berndt
Agricultural

Requests the Board of Appeals approve and grant a fifteen foot (15') variance creating a ten foot (10') rear lot line setback for a shed at 9301 Wehrle Drive.

APPEAL NO III is in variance to Article V, section 30-27 C, size of yards.

APPEAL NO IV
Gregory Domster
Agricultural

Requests the Board of Appeals approve and grant a two hundred fifty foot (250') variance creating a three hundred fifty foot (350') front lot line setback to allow use of the barn as a single family home at 9255 Roll Road.

APPEAL NO IV is in variance to Article V, section 30-27 B, size of yards.

**APPEAL NO V
Scott & Jennifer Glassman
Agricultural**

Requests the Board of Appeals approve and grant a seven foot (7') variance creating a three foot (3') side lot line setback for the construction of a new garage at 10725 Stage Road. Existing cinder block building will be removed next year.

APPEAL NO V is in variance to Article V, section 30-27 C, size of yards.

**APPEAL NO VI
Lewis Wargo
Residential B**

Requests the Board of Appeals approve and grant a sixteen foot (16') variance creating a ninety seven foot (97') front yard setback for the construction of an addition to existing home at 5025 Bank Street.

APPEAL NO VI is in variance to Article II, section 30-12 C, size of yards.

ATTENDING: Ron Newton
John Brady
Arthur Henning
Raymond Skaine

INTERESTED PERSONS:

Kristopher Holden
Brooks Davidson
Mark wines
Tim Berndt
Greg Domster
Scott Glassman
Lewis Wargo Sr.
John Wargo

MINUTES

Motion by Raymond Skaine, seconded by Arthur Henning to approve the minutes of the meeting held on August 10, 2004 as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO I
Kristopher Holden
Residential B

Requests the Board of Appeals approve and grant a two foot (2') variance creating a six foot (6') fence height between Boyd and side of the house at 4775 Ransom Road.

DISCUSSION:

Mr. Holden said part of the reason is privacy, and part is safety for their dog and any future children. They spoke with their neighbors, and they weren't disagreeable, but one neighbor requested a wooden fence. Ray Skaine said a four foot fence is allowable without a variance, and suggested getting approval from the traffic safety committee. Ray Skaine said it would alter the nature of the neighborhood. Arthur Henning said he agrees with Mr. Skaine. There are no other fences in the neighborhood, and he does not feel there is a hardship involved here. Mr. Holden said there are several fences in his neighborhood on corners that have six foot fences. Ray Skaine said they might have been put up before the law was enacted ten years ago. He has been on the board for eight years and can't remember approving a six foot fence in a front yard. There are invisible fences for dogs. John Brady and Ron Newton did not like a six foot fence, and didn't think a four foot fence created a hardship for the Holdens.

ACTION:

Motion by Raymond Skaine, seconded by Arthur Henning to DENY Appeal No I because an adequate hardship has not been presented. It would definitely change the character of the neighborhood.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO II
Brooks Davidson
Residential A

Requests the Board of Appeals approve and grant a three foot eight inch (3'8") variance creating a one foot four inch (1'4") rear lot line for shed at 9391 Pine Breeze Lane.

DISCUSSION:

Mr. Davidson was not informed that he needed a permit for a shed. Before it was delivered he put in concrete piers for the foundation of a shed to keep it level. When he heard he needed a permit, he immediately applied for one. He was told by the building department he would need to be five feet from each property line. A neighbor read a letter from Linda Reynhout, she was not able to be here this evening.

Dear Board members,

Though I am not able to be at the hearing concerning the shed built on the property at 9391 Pine Breeze Lane in Clarence Center, which is owned by the Davidsons, I do not want my absence to be misinterpreted as disinterest. I am scheduled to work at the designated time.

My property is directly behind 9391 Pine Breeze Lane. When I bought my lot to build in the fall of 2001, it was the only one left in an established neighborhood; I felt secure in knowing what the other structures were.

The shed in question has definitely affected the tranquil ambiance and beauty I had been able to enjoy from my home and backyard. I fear it may also have a negative impact on the real property value should I need to sell my home.

The sheer size and placement are objectionable to me personally. It projects a feeling of being on a farm setting, somewhere in Springville, instead of what is supposed to be an upscale neighborhood in Clarence.

The Davidsons are a nice couple and it is not my intention to cause them distress. The shed is almost on my property line, and definitely an eyesore from my home. I would hope the board members can find a way to solve our dilemma. Thank you for your considerations.

Sincerely,

Linda S. Reynhout

Mr. Wines said he would have liked to know about it ahead of time. It doesn't bother him as much as Linda, she is right behind it. Mr. Davidson said he saw other sheds in the neighborhood, and thought it was okay. It wasn't done knowingly or maliciously. He will de-emphasize the shed with landscaping. There will be no storage of anything behind the shed. Ray Skaine said he didn't think three feet would make that much difference to Linda Reynhout, and it would be a hardship for Mr. Davidson to move the 10' x 16' shed. He would like to see it landscaped in the back to make it more pleasing to her and the neighbors. Arthur Henning and John Brady felt the same way. Ron Newton said there is a ten foot wide private drainage easement where the shed is. Mr. Davidson said the pipe is on the outside of the shed. Jim Callahan said "Just understand if they have to dig that up at some future point, they may have to destroy part of your shed, and that is at your cost." Ron Newton said "The variance does

not take away the drainage easement, and if they had to work it would be at your expense.”

ACTION: Motion by Raymond Skaine, seconded by John Brady to approve Appeal No II with the following conditions:
1) Petitioner makes all attempts in the very near future to do all he can to screen the back of the shed and make it appealing to the neighbor. A minimum of three foot arborvitae or similar evergreen type plants.

On the Question? Mr. Davidson said “I am still a little concerned, how do I insure that Linda is acceptable to our agreement, and that it meets the boards expectations?”

Ray Skaine suggested working it out with Linda Reynhout.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO III
Tim Berndt
Agricultural

Requests the Board of Appeals approve and grant a fifteen foot (15') variance creating a ten foot (10') rear lot line setback for a shed at 9301 Wehrle Drive.

DISCUSSION: Mr. Berndt said there is a tree in the way, and he would like to keep as much grass as possible. This will be a shed for equipment for the yard , bicycles etc. The board complimented Mr. Berndt on a fine staking job. No one had a problem with the request.

ACTION: Motion by John Brady, seconded by Ray Skaine to approve Appeal No III as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO IV
Gregory Domster
Agricultural

Requests the Board of Appeals approve and grant a two hundred fifty foot (250') variance creating a three hundred fifty foot (350') front lot line setback to allow use of the barn as a single family home at 9255 Roll Road.

DISCUSSION:

Mr. Domster said he would like to convert the barn that is on the property to a home. It was built in 1984. Mr. Domster's frontage will be on Roll Road. This property is being split, he will have 100 feet of frontage on Roll Road. The driveway is already in next to the building. Mr. Domster is going to renovate the wooden barn, the metal barn is for cold storage. Ron Newton said if there is no basement, no cement floor, and no utilities, there is no reason he couldn't move the barn. There were no further questions.

ACTION:

Motion by Raymond Skaine, seconded by John Brady to approve Appeal No IV as written.

Arthur Henning	AYE
John Brady	AYE
Raymond Skaine	AYE
Ron Newton	NAY

MOTION CARRIED.

APPEAL NO V
Scott & Jennifer Glassman
Agricultural

Requests the Board of Appeals approve and grant a seven foot (7') variance creating a three foot (3') side lot line setback for the construction of a new garage at 10725 Stage Road. Existing cinder block building will be removed next year.

DISCUSSION:

The existing cinder block building is being used as a shed at the present time. They would like to build a two and a half car garage to include the items in the shed, and take the cinder block building down. They will have to take down two trees to build the garage. The garage will be sided with the same material of the house. The members of the board did not have a problem with this request.

ACTION:

Motion by Arthur Henning, seconded by John Brady to approve Appeal No V as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO VI
Lewis Wargo Sr.
Residential B

Requests the Board of Appeals approve and grant a sixteen foot (16') variance creating a ninety seven foot (97') front yard setback for the construction of an addition to existing home at 5025 Bank Street.

DISCUSSION:

Mr. Wargo said they need a first floor bedroom for medical reasons. Their existing bedroom will be converted to a laundry room on the first floor. Due to the constraints of a septic field, a patio, and a pool in the backyard, the addition will be to the front of the house. No one had any problems with this request. None of the neighbors had any objections.

ACTION:

Motion by Raymond Skaine, seconded by Arthur Henning to approve Appeal No VI as written.

Arthur Henning	AYE
John Brady	AYE
Raymond Skaine	AYE
Ron Newton	ABSTAINED They are friends

MOTION CARRIED.

Meeting adjourned at 8:00 p.m.
Ronald Newton, Chairman