



TOWN OF WHEATFIELD
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Office of Zoning Board of Appeals
Minutes of Meeting
August 22, 2016

McIntyre called the meeting to order at 8:00pm.
Members present: McIntyre, Retzlaff, Schaffer, and Canada
Absent: Milleville

The following hearings were scheduled for September 6th:

6:50 pm: Catalanø Welding requests an area variance for lot #146.00-1-10.2, located at 2221 Niagara Falls Blvd., for the installation of a 65ø x 80ø wall sign. The sign is approximately 433 sq. ft.

Public Hearings Held / Interpretations

8:05 pm: Jeffery Sommer requests an area variance for lot #175.14-1-30, located at 2508 River Road, for the installation of an in-ground pool located in an area subject to review under the Local Waterfront Revitalization Program (LWRP).

Will be a U-shaped, 4ø chain link fence tied into corner of house.

Findings per NYS requirements:

1. Per building code, applicant needs a fence to restrict access to the pool.
2. The fence will not hamper or alter the view of any neighbors. At 4ø tall, the fence will not even be visible as the location is in an area where the ground level is lower than the ground level of adjoining parcels.
3. No. It is not a significant request. There is no visual impact.
4. No environmental impact.
5. Yes, it is a self-created hardship.

A motion to approve the variance was made by Schaffer and seconded by McIntyre, with the condition that the distance between the fence and the pool be no further than 7ø on the waterside of the pool and that the fence be a 4ø and remain transparent.

Ayes: Unanimous

8:20 pm: Donna Stawicki requests an area variance for lot #147.20-1-24, located at 6701 Elbert Drive, for the construction of porch roof attached to a garage. The distance between the proposed roof and the main dwelling is less than the minimum permitted separation of 10ø

Ms. Stawicki hired a contractor that did not get a permit. She contacted the town on her own to determine if a proper permit was in place.

Findings per NYS requirements:

1. Yes, the length of porch roof could be reduced enough to allow for 10ø of separation between structures.
2. No, space is wide open.
3. No. It is not a significant request.
4. No environmental impact.
5. Yes, it is a self-created hardship.

A motion to approve the variance was made by McIntyre and seconded by Retzlaff, with the condition that the patio never be enclosed.

Ayes: Unanimous

8:35 pm: Norman T. Shreve requests an area variance for lot #162.10-3-1, located at 2431 Osprey Lane, for the installation of a fence with a height of 5ø in an area where only a 4ø tall fence is permitted.

Fence will be 5ø tall around the 4ø wide concrete edge of pool.

Findings per NYS requirements:

1. Could put a 4ø fence up instead of 5ø fence.
2. No, detriment to the character of the neighborhood.
3. No. It is not a significant request.
4. No sightline issues.
5. Yes, it is a self-created hardship.

A motion to approve the variance was made by Schaffer and seconded by Canada.

Ayes: Unanimous

8:50 pm: Tammie Lee Demler-Dodson and Samuel Dodson request an area variance for lot #164.01-2-75, located at 3818 Wildwing Drive, for the installation of a 33' section of fence with a height of 7' in an area where only a 6' tall fence is permitted.

Applicants have a 6' fence now and would like the additional privacy of a 7' fence.

Findings per NYS requirements:

1. Applicants could remove the existing fence, install a berm, and then erect a new 6' fence. There is no benefit to the town if it required this approach.
2. No, detriment to the character of the neighborhood. Matches overall fencing on the property and given the location of the fence, the additional height will not be noticed.
3. Numerically not significant. But based on the ZBA's strong reluctance to grant 7' fences in residential areas, it is significant.
4. No sightline issues.
5. Yes, it is a self-created hardship.

A motion to approve the variance was made by Schaffer and seconded by Retzlaff.

Ayes: Unanimous

General Business

Meeting schedule: September 6th @ 6:45pm

A motion to approve June 28th minutes was made by Schaffer, second by Retzlaff.

Ayes: Unanimous

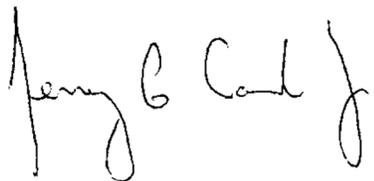
A motion to approve July 19th minutes was made by Schaffer, second by McIntyre.

Ayes: Unanimous

A motion to adjourn was made by McIntyre and seconded by Schaffer.

Ayes: Unanimous

Respectfully submitted,



Jerry G. Canada, Jr., Secretary
Zoning Board of Appeals