

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

**MINUTES
May 4, 2023**

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

MEMBERS ABSENT: Tim Phillips

OTHERS PRESENT: Nick Cultrara, Code Enforcement Officer
Rhonda Tollner, Zoning Clerk

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TOWN OF GRAND ISLAND

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) 4614 East River Rd – Douglas Frost

This property is zoned R1B. The applicant has requested to construct a 16' x 19' x 11' pavilion on the shoreline of the parcel to be located on the concrete pad between the existing shed and water's edge. Town Code § 407-18.C.4 riverside accessory uses and structures on shoreline lots such as pools or other structures, less than four feet high, and which do not obstruct the views of the River, may be placed in the rear yard of a shoreline lot. The proposed height of the pavilion is 11' to match the existing shed making a 7 ft. height variance necessary. Town Code § 407 Schedule I required front yard setback in R1B is 50 ft. from lot line. The pavilion is proposed at 25' from lot line making a 25 ft. front yard setback variance necessary. Town Code § 407-142. B. There shall be no more than two accessory buildings per lot allowed in any residential district, making 1 additional accessory structure variance necessary. Town Code § 407-142.H under no circumstances shall an accessory structure on a shoreline lot exceed 200 sq. ft in maximum floor area and 11 ft. in height, making a 104 sq. ft. area variance necessary.

Appearing before the Board was Douglas Frost who resides at 4614 East River Road. Chairman Mesmer stated he was very familiar with this property. Mr. Frost explained that he would like to build a pavilion on the concrete pad that exists between the shed and the river for more shade on the waterfront.

The pavilion would be 16' x 20', the same height as the shed and remain open on all sides.

Chairman Mesmer asked if there were any speakers. There were none. He stated that the Board received a letter both in favor and against the requested pavilion. Chairman Mesmer repeated that the Board had issues with this parcel in the past where a shed was constructed larger than the variance allowed and without permits and had to be torn down. Mr. Frost stated he was unaware of anything that happened prior to him owning the parcel and hopefully that would not reflect upon him. Member Braddell stated he was concerned with the square footage of the proposed pavilion. Member Drexelius stated that their concern is keeping the shoreline free from obstructions. Mr. Frost stated that the pavilion would match the parameters of the already approved shed. There was a question among Board members as to whether the overhang, if attached to the building, would be considered in the square footage of the shed. It was suggested that Mr. Frost request to table his variance request until this determination was made regarding what would be required if the pavilion was attached to the shed as opposed to detached.

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

A **motion** was made by Harris / Braddell to **TABLE** the request for 7 ft. tall height variance, a 25 ft. front yard setback variance, a 104 sq. area variance, and a request for an additional accessory structure on the shoreline of 4614 East River Road.

Roll Call:

Ayes: Harris, Braddell, Mesmer, Drexelius

Noes: None

Carried

2) 1579 Bedell Road – John Blest

This property is zoned R1D. The applicant has requested to install a 6 ft. tall fence in the rear yard of a corner lot. The applicant was originally granted the required setback variances for the installation of the fence but due to covid and then the increased material costs, the fence was not installed. This is the same request. This property is zoned R1D. The Applicant is requesting to install a 6 ft. high fence on a corner lot. Section 407-19A(2) states all structures shall be no closer to the right of way than the minimum front yard setback of the adjacent lot. The setback on Jamestown Rd is 35 ft. If granted the new fence will be at a 10 ft. setback from Jamestown Rd. making a 25 ft. front yard setback variance necessary. Also, Zoning Code 407-155D, sets the maximum height of an accessory structure at 3 ft. in the required front yard setback. The proposed fence is 6 ft. in height making a 3 ft. height variance necessary.

Appearing before the Board was Mr. John Blest who resides at 1579. Mr. Blest stated that he was granted the same request for a fence in 2019 but soon after covid hit and then supply cost and demands were extremely high, which prevented him from installing the fence. He is asking again for the same variances, a 6 ft. fence about 30 ft. from the curb to match the neighbor's fence.

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

A **motion** was made by Harris / Braddell to **GRANT** the request for a 25ft. front yard setback variance, measuring 30 ft. from the curb of Jamestown Road for a fence on a corner lot of Jamestown and 1579 Bedell Road.

Roll Call:

Ayes: Braddell, Harris, Mesmer, Drexelius

Noes: None

Carried

A **motion** was made by Harris / Drexelius to **GRANT** the request for a 3 ft. height variance for a fence in the required front yard on a corner lot at 1579 Bedell Road.

Roll Call:

Ayes: Harris, Braddell, Mesmer, Drexelius

Noes: None

Carried

Rationale:

1. This variance will not have an adverse effect or impact on the environment or physical characteristics in the neighborhood.
2. The granting of this variance will provide the homeowner with privacy and safety for his family on the corner lot.

3) 3398 East River Road – Kenneth Carter

This property is zoned R1B. The applicant has requested to locate a 10' x 14' x 11' shed on the shoreline portion of the lot. Town Code §407-18.A. additional setbacks apply in all districts to all buildings and structures, provided that where the district front yard requirements establish a greater setback, the district front yard requirements shall apply. East River Road setback for a structure is 90 ft. from center of R.O.W. the shed will be located 53 ft from the R.O.W making a 47 ft. front yard setback variance necessary. Town Code §407-18.C.4 riverside accessory uses and structures on shoreline lots such as pools or other structures, less than four feet high, and which do not obstruct the views of the River, may be placed in the rear yard of a shoreline lot. The shed is proposed to be 11 ft. because of floodplain requirements making a 7 ft. height variance necessary. Town Code §407-142.A for an accessory storage structure the setback from the rear and side yard lot lines shall be equal to or greater than the height of

the accessory storage structure. The shed is proposed at 11 ft. tall which determines the required side yard of 11 ft. The shed is proposed at 4 ft. from the side lot line making a 7 ft. side yard setback variance necessary.

Appearing before the Board was Mr. Ken Carter who resides at 3398 East River Road. Mr. Carter explained he would like to locate a 10' x 14' shed on the waterfront portion of his lot. He is asking for the 7 ft. variance to locate the shed 4 ft. from the side lot line in front of the heavy brush on the south side. The shed is approximately 9 ft. tall plus a possible 2 ft. platform for flood plain requirements makes the 7 ft. side yard variance necessary. Mr. Carter stated that because of the trees and brush no views would be obstructed and his neighbors did not object to the location.

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

A **motion** was made by Braddell / Drexelius to **GRANT** the request for a 47 ft. front yard setback variance for the location of a 10' x 14' shed on the shoreline portion of the lot at 3398 East River Road

Roll Call:

Ayes: Braddell, Harris, Mesmer, Drexelius

Noes: None

Carried

A **motion** was made by Braddell / Drexelius to **GRANT** the request for a 7 ft. height variance for a 11 ft. tall shed on the shoreline.

Roll Call:

Ayes: Braddell, Mesmer, Harris, Drexelius

Noes: None

Carried

A **motion** was made by Braddell / Drexelius to **GRANT** the request for a 7 ft. side yard setback variance on the south lot line from the required 11 ft. (height of structure) side yard setback for the location of a shed.

Roll Call:

Ayes: Harris, Braddell, Mesmer, Drexelius

Noes: None

Carried

4) 3398 East River Road – Kenneth Carter

This property is zoned R1B. The applicant has requested to construct a covered front porch on the single-family dwelling. The Town Code Schedule I sets the required front yard setback at 50 ft. from front lot line. The proposed covered porch will be 46 ft. from the front lot line making a 4 ft. front yard setback variance necessary.

Appearing before the Board was Mr. Kenneth Carter who resides at 3398 East River Road. Mr. Carter stated that he would like to construct a covered porch with a second story balcony on the front of his house facing the river. The porch would come off the house 4 ft. more than what is existing. Mr. Carter showed the Board renderings of the current porch and the proposed porch.

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

A **motion** was made by Braddell / Drexelius to **GRANT** the request for a 4 ft. front yard setback variance from the required 50 ft. for the construction of a covered front porch at 3398 East River Road.

Roll Call:

Ayes: Harris, Braddell, Drexelius, Mesmer

Noes: None

Carried

Rationale:

1. The granting of the variance for the covered porch would not change the characteristics of the neighborhood but add to the overall appearance of the home.
2. This addition to the front of the house would not cause a detriment to any neighboring parcels or block the view of the river.

5) 3709 East River Road – William Schaab

This property is zoned R1B. The applicant has requested to make improvements to an existing pump house that is located on the shoreline portion of the lot. The applicant is requesting to make the shed taller and slightly larger to allow for easier access to service the pump. The existing pump house is located 2.6 ft. from the side lot line. Town Code § 407-18.C.4 riverside accessory uses and structures on shoreline lots such as pools or other structures, less than four feet high, and which do not obstruct the views of the Niagara River, may be placed in the rear yard of a shoreline lot in accordance with regulations for placement of accessory structures and uses. The proposed height of the pump house is 8 ft. tall, making a 4 ft. height variance necessary. Town Code § 407-142.A the setback distance for an accessory storage structure from the rear and side yard lot lines shall be equal to or greater than the height of the accessory storage structure. The existing location of the shed is 2.6 ft. from the side lot line making a 5.6 ft. side yard setback variance necessary.

Appearing before the Board was Mr. William Schaab who resides at 3709 East River Road. Mr. Schaab explained he had a small 4 ft. tall shed near the shoreline of his lot that housed a water pump and electricity for his dock. Mr. Schaab stated that in recent years the pump flooded several times destroying the mechanicals in the shed. He is asking to reconstruct the shed in the same

location but large enough to raise the mechanicals out of flood range and be able to get in and service equipment without crawling in. Mr. Schaab provided the Board with pictures of the existing and proposed shed.

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

A **motion** was made by Drexelius / Harris to **GRANT** the request of a 4 ft. height variance for an 8 ft. tall shed on the shoreline portion of the property at 3709 East River Road.

Roll Call:

Ayes: Harris, Braddell, Mesmer, Drexelius

Noes: None

Carried

A **motion** was made by Drexelius / Braddell to **GRANT** the request of a 5.6 ft. side yard setback variance from the south lot line for the location of a shed at 3709 East River Road.

Rationale:

1. The variance was granted because it provided a solution to the flooding and maintenance of the shed and equipment.
2. This structure is consistent with other accessory structures in the neighborhood and would not obstruct views of the river because it was tucked along the heavily brushed lot line.

6) 5124 East River Road – Frank Cherry

This property is zoned R1C. The applicant is requesting construct a deck on the front of a single-family dwelling in the required front yard setback. Town Code § 407-Schedule I sets the required front yard setback from the front lot line at 50 ft. the proposed deck will leave a 39 ft. front yard setback making a 11 ft. front yard setback. Town Code §407-Schedule I requires a 12 ft. side yard setback in R1C. the deck is proposed at 6.8 ft. making a 5.4 ft. side yard setback variance necessary.

Appearing before the Board was Mr. Kirk Kinney, contractor for Mr. Frank Cherry. Mr. Kinney explained Mr. Cherry had just purchased the home on East River Road. Mr. Cherry has no river rights but does have a nice view of the river from his home and would like to construct a front porch that slightly wraps the east corner to enjoy the view. The newly constructed deck would be minimal and have no railings or cover to block the view of any neighbors'. Chairman Mesmer stated that they had received a letter from the neighbor most affected by the variance request with no objections.

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

A **motion** was made by Braddell / Drexelius to **GRANT** the request for an 11 ft. front yard setback variance from the required 50 ft. for the construction of an open front deck at 5124 East River Road.

Roll Call:

Ayes: Harris, Braddell, Drexelius, Mesmer

Noes: None

Carried

A **motion** was made by Braddell / Drexelius to **GRANT** the request for a 5.4 ft. side yard setback variance for an open deck that wraps the front of the house at 5124 East River Road.

Rationale:

1. The granting of this variance was minimal and allowed the homeowner to enjoy the views of the river from his own home.
2. The proposed deck will not have an adverse effect on neighboring properties

OLD BUSINESS

NONE

APPROVE MINUTES:

A **motion** was made by Drexelius / Harris to Approve the April 6, 2023 ZBA Minutes as written.

Roll Call:

Ayes: Mesmer, Harris, Braddell, Drexelius

Noes: None

Carried

OTHER MINUTES AVAILABLE FOR REVIEW

Board of Architectural review –

Planning Board Agenda – April 10, 2023

Planning Board Minutes – March 13, 2023

Town Board Agenda – Regular Meeting # 6, Apr. 6, 2023, Regular Meeting # 7, Apr. 17, 2023

Town Board Minutes – Regular Meeting #4, Mar. 6, 2023, Regular Meeting # 5, Mar. 20, 2023

A **motion** was made by Harris/ Braddell to adjourn the meeting at 7:45 p.m. Minutes prepared by Rhonda Tollner, Zoning Clerk. The meeting was conducted via Zoom and may be viewed on the town You Tube link.