

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

**MINUTES  
September 7, 2023**

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TOWN OF GRAND ISLAND N.Y.

- 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

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) **1678 Bedell Road – Roberta Lew**  
This application was WITHDRAWN 8/25/23

2) **3889 East River Road – Stickl Construction Co.**  
This property is zoned R1B. The applicant is proposing to demolish the existing single-family dwelling and construct a new SFD. The new structure would have a front yard setback of 35 ft. Town Code §407 Attachment I Schedule I Allows a setback of 50 ft. from front lot line or Town Code 407-18. Special setback of East River Road 90 ft. from center of R.O.W. whichever is greater. Here the greater of the two setbacks would be Schedule I, 50 ft. from front lot line, making a 15 ft. front yard setback variance necessary. Also, the new design shows a four car attached garage. Town Code §407-23.A. Private attached garage or storage structure with outside building dimensions not to exceed 900 square feet and not to exceed a maximum of 20% of the rear yard with impervious surfaces. Here the proposed garage is 1526 sq. ft. making an area variance of 625 sq. ft. for garage space necessary.

Appearing before the Board was Mr. John Stickl, the contractor. Mr. Stickl stated that the old house had been demolished and they were ready to move forward. Upon demolition it was determined to save the inground pool that was just renovated last year, they would have to move the new house 5ft. more towards the road putting the front yard setback at 35 ft. as opposed to the required 50 ft. Also, his clients were requesting a 4 car garage to keep two cars, a jet ski and a boat. Chairman Mesmer said the Board preferred to give variances on the front yard as opposed to the rear yard when it comes to shoreline projects to preserve the views. He also stated that a letter was received from a neighbor who opposed such a large front yard setback because of the view down the street and would like to see the garage smaller. Board Member Drexelius asked Mr. Stickl if his clients would agree to cut the garage space to a three car garage, which would eliminate the variance for the front yard setback. Mr. Stickl stated he is not sure what his clients would agree to. Chairman Mesmer stated that Mr. Stickl could request to table the applications until his clients could be present. Mr. Stickl stated that would be another month and they were ready to start construction. Mr. Stickl decided to reduce the garage by 300 sq. ft. eliminating the need for the front yard setback variance and decreasing the size of the garage space variance.

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 325 sq. ft. area variance for attached garage space at 3889 East River 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. This variance will allow for ample storage yet not affect the sight lines for neighboring residents on the street.
3. The request for garage space is a reasonable and compatible use of the residential property for current storage needs.

**3) 4750 East River Road – James Hoddick**

This property is zoned R1B. The applicant is proposing to locate a 21' x 28' x 17 detached garage in the same location as an older shed that will be demolished, 5 ft. from the east lot line. Town Code §407-142.A. Additionally, in any case 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 height of this structure is 17 ft. making a 12 ft. side yard setback variance necessary.

Appearing before the Board was James Hoddick. Mr. Hoddick explained his need for more storage. He had an existing shed that he removed and would like to locate this slightly larger shed in the same location. He Hoddick said this was the only location that would accommodate the shed because of the septic system in the rear yard. Member Drexelius asked Mr. Hoddick if he had a drainage plan for being that close to the lot line. Mr. Hoddick said the building would tie into the French drains he had installed several years ago.

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 12 ft. side yard setback variance to locate a 21' x 28' x 17' detached storage building at 4750 East River Road.

**Roll Call:**

Ayes: Braddell, Harris, Mesmer, Drexelius,  
Noes: None  
Carried

**Rationale:**

1. This variance request addressed the drainage issue that might have impacted the neighborhood.
2. This size shed is not unlike other structures in the neighborhood.
3. This variance request will not change the character of the neighborhood.

**4) 2195 Long Road – Darrell Kinmartin**

This property is zoned R1D. . The applicant is requesting to locate a 30' x 40' x 14' detached garage in the required side yard setback. 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 proposed structure is 14 ft. tall making the required setback from side and rear yard 14 ft. from lot lines. The applicant is proposing a 10 ft. side yard setback making a 4 ft. variance necessary.

Chairman Mesmer stated that the applicant had requested a Table due to illness.

A **motion** was made by Drexelius / Braddell to TABLE at the request of the applicant a 4 ft. side yard setback variance from the west lot line for the location of a 30' x 40' x 14' detached storage building at 2195 Long Road.

**Roll Call:**

Ayes: Harris, Braddell, Drexelius, Mesmer

Noes: None  
Carried

**5) 4388 East River Road – VARIANCE EXTENSION**

The applicant is requesting an extension to the variance granted on 3/2/23 for a 11.6 ft. rear yard setback variance for the construction of an addition to a single-family dwelling at 4388 East River Road.

A **motion** was made by Braddell / Drexelius to **GRANT** a six month **Extension** to the previously granted rear yard setback variance for an addition to the single-family dwelling at 4388 East River Road.

**Roll Call:**

Ayes: Harris, Braddell, Mesmer, Drexelius  
Noes: None  
Carried

**OLD BUSINESS**

**1) 5000 East River Road – Keith Woods**

This property is zoned R1C. The applicant is requesting to locate a 12' x 18' x 11' shed with an 8 ft. open overhang within the required side yard setback. Town Code § 407-142.A. All detached accessory uses and structures shall observe the applicable front and side yard requirements applicable to principal buildings in the district. The rear yard requirements for all detached accessory uses and structures shall be the same as the applicable side yard requirements for principal buildings in the district. Town Code § 407 Attachment I Schedule I set the district side yard at 12 ft. The applicant is proposing to locate the shed 8 ft. from the southeast lot line, making a 4 ft. side yard setback variance necessary. The variance for a third accessory structure is no longer needed.

Appearing before the Board was Mr. Keith Woods. He said he had ordered a shed that he would like to locate in the rear yard. This shed would just be for tools and gardening supplies and also provide some privacy for his neighbor. He had a black topped area at the end of the driveway where a camper used to be stored and would like to put the shed there. He showed the Board a rendering of what the shed would look like and said the color and roof would be the same as the house.

A **motion** was made by Harris / Drexelius to **GRANT** the request for a 4 ft. side yard setback variance for the location of a 12' x 18' shed at 5000 East River Road.

**Roll Call:**

Ayes: Harris, Drexelius, Mesmer, Braddell

Noes: None

Carried

**Rationale:**

1. The Board recognizes the need for storage and this structure fits with other similar storage structures in the neighborhood.
2. This storage structure will not produce an undesirable change in the character of the neighborhood.
3. The granting of the variance for the storage structure is a reasonable and compatible use of residential property for current storage needs.

**APPROVE MINUTES:**

A **motion** was made by Drexelius / Harris to Approve the August 3, 2023 ZBA Minutes as written.

**Roll Call:**

Ayes: Mesmer, Harris, Braddell, Drexelius, Laurendi

Noes: None

Carried

**OTHER MINUTES AVAILABLE FOR REVIEW**

**Board of Architectural review** –June 20, 2023

**Planning Board Agenda** –No meeting, 2023

**Planning Board Minutes** –No meeting , 2023

**Town Board Agenda** – Regular Meeting #13, Aug. 7, 2023, Regular Meeting # 12, July 17, 2023

**Town Board Minutes** – Regular Meeting #11, June 26, 2023, Regular Meeting # 12, July 17, 2023

A **motion** was made by Harris / Drexelius to adjourn the meeting at 7:35 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.