

**NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN of a Meeting of the Zoning Board of Appeals of the Town of Lancaster to be held Thursday, November 8, 2018 at 7:00 P.M., Local Time, in the Town Board Chambers, in the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York. The items for consideration by the Zoning Board of Appeals at this meeting are:

1. The petition of Barclay Damon, LLP, 9277 Main Street, Clarence, New York 14031, for property owned by Fairways at Lancaster Holdings, 5354 Genesee Street, Lancaster, New York 14086 for three [3] variances for the purpose of allowing an expansion of an pre-existing non-conforming structure on premises located at 5354 Genesee Street, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 31C.(1) of the Code of the Town of Lancaster. The request calls for expanding a pre-existing non-conforming use.

Chapter 50, Zoning, Section 31C.(1) of the Code of the Town of Lancaster states that no nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or an amendment of this ordinance; nor shall any existing conforming structure devoted to a use not permitted by this ordinance in the district in which it is located or a nonconforming structure itself or its use if nonconforming, be enlarged, extended, constructed, reconstructed or moved. The petitioner, therefore, requests a variance to allow an expansion of a pre-existing structure devoted to a use not permitted by this ordinance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 12C.(1)(b)[2] of the Code of the Town of Lancaster. The petitioner requests a side yard setback on the east side of the property line of 29.4 feet.

Chapter 50, Zoning, Section 12C.(1)(b)[2] of the Code of Lancaster requires a side yard setback of 40 feet. The petitioner, therefore, requests a 10.6 foot east side yard setback variance.

- C. A variance from the requirements of Chapter 50, Zoning, Section 28E.(1)(a)[3][f] of the Code of the Town of Lancaster. The petitioner requests five [5] parking spaces on site.

Chapter 50, Zoning, Section 28E.(1)(a)[3][f] of the Code of the Town of Lancaster requires one space per three seats and one space per one hundred [100] square feet for customer self-service or take-out, equaling twenty-seven [27] spaces. The petitioner, therefore, requests a variance to reduce the required parking spaces by 22 spaces.

2. The petition of Charles Jacobs, 77 Westwood Road, Lancaster, New York 14086 for three [3] variances for the purpose of constructing a pole barn on premises owned by the petitioner at 77 Westwood Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 1,440 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioner, therefore, requests a 690 square foot accessory use area variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster. The height of the proposed pole barn is twenty [20] feet.

Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster limit the height of accessory structures to sixteen [16] feet. The petitioner, therefore, requests a four [4] foot height variance.

- C. A variance from the requirements of Chapter 50, Zoning, Section 9D.(1)(b) of the Code of the Town of Lancaster. The proposed location of the pole barn will result in a five [5] foot east property line set back.

Chapter 50, Zoning, Section 9D.(1)(b) of the Code of the Town of Lancaster requires a fifteen [15] foot lot line set back. The petitioner, therefore, requests a ten [10] foot east property line set back variance.

3. The petition of Robert Feneziani, 61 Old Post Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a pergola on an existing premises owned by Aida Feneziani at 61 Old Post Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(a) of the Code of the Town of Lancaster to permit construction of an open air pergola on an existing patio within four [4] feet, [6] six inches of the principal structure.

Chapter 50, Zoning, Section 10D.(1)(a) of the Code of the Town of Lancaster requires an accessory structure to be located ten [10] feet from any other structure. The petitioner, therefore, requests a five [5] foot, six [6] inch variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(a) of the Code of the Town of Lancaster to permit construction of an open air pergola six [6] feet from an above ground pool.

Chapter 50, Zoning, Section 10D.(1)(a) of the Code of the Town of Lancaster requires an accessory structure to be located ten [10] feet from any other structure. The petitioner, therefore, requests a four [4] foot variance.

4. The petition of Daniel and Carol Glowicki, 764 Ransom Road, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a fence in a required front yard on premises owned by the petitioners at 764 Ransom Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The request calls for installing a four [4] foot high fence in a required front yard.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard [considered a front yard equivalent] to three [3] feet in height. The petitioners, therefore, request a one [1] foot fence height variance.

5. The petition of Chad and Julie Sherin, 2 Farmingdale Court, Lancaster, New York 14086 for one [1] variance for the purpose of installing a shed on a vacant lot at 00 Townline Road, (future 1424 Townline Road), Lancaster New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9B (2) (e) of the Code of the Town of Lancaster. The request calls for installing a shed on a vacant lot prior to building a residence.

Chapter 50, Zoning, Section 9B (2) (e) of the Code of the Town of Lancaster requires a shed to be listed as an accessory structure to be permitted primary use. The petitioners, therefore, request allowing the accessory structure to be built before a primary structure is constructed.

Signed _____

Diane M. Terranova, TOWN CLERK and
Clerk to Zoning Board of Appeals
Date: November 8, 2018