

March 9, 2017

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 9th day of March 2017, at 7:00 P.M., and there were

PRESENT: DANIEL BEUTLER, MEMBER
JOHN BRUSO, MEMBER
JILL MONACELLI, MEMBER
LAWRENCE PIGNATARO, MEMBER
RICHARD QUINN, CHAIRMAN

ABSENT: JAMES PERRY, MEMBER
FRANK SWIGONSKI, MEMBER

ALSO PRESENT: DIANE M. TERRANOVA, TOWN CLERK
KEVIN LOFTUS, TOWN ATTORNEY
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF TOM AND LISA DEBBINS:

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Tom and Lisa Debbins, 2 Jonquille Court, Lancaster, New York 14086 for one variance for the purpose of erecting a four foot [4'] six inch [6"] high fence in a required front yard area on premises owned by the petitioners at 2 Jonquille Court, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster for the purpose of erecting a four foot [4'] six inch [6"] 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 area to three [3'] feet in height. The petitioners, therefore, request a one [1'] foot six [6"] inch high fence height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Lisa Debbins, Petitioner	Proponent
Tom Debbins, Petitioner	Proponent
Kevin Revak, Colley Pools	Proponent

IN THE MATTER OF THE PETITION OF: TOM AND LISA DEBBINS

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. PIGNATARO WHO MOVED ITS
ADOPTION, SECONDED BY MR. BEUTLER
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Tom and Lisa Debbins and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9 day of March, 2017, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Residential District 2, (R-2) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

That such fence will not unduly shut out light or air to adjoining properties.

That such fence will not create a fire hazard by reason of its construction or location.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED** subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- The fence will be placed five feet from the sidewalk.
- The corners of the fence will be angled on the Juniper side of the fence near the sidewalk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	WAS ABSENT	
MR. PIGNATARO	VOTED	YES
MR SWIGONSKI	WAS ABSENT	
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

March 9, 2017

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 7:15 P.M.

Signed _____
Diane M. Terranova, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: