



TOWN OF LEWISTON
1375 Ridge Road
Lewiston, New York 14092
(716) 754-8213
www.townoflewiston.us

ZONING BOARD OF APPEALS

Thursday – March 8, 2018
7:00 P.M. – Town Hall

- A. Approval of meeting minutes
- B. Variance Request – Kelsch – Townline Road – SBL# 104.04-1-52
- C. Variance Request – Clarke – Ridge Road – SBL# 102.00-1-9.1
- D. Miscellaneous

PLEASE NOTIFY SANDY IF YOU CANNOT ATTEND



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Fee 150 Date Paid 2/22/18 Hearing Date 3/18/18 Approved _____ Denied _____

Appeal to the Zoning Board Area Variance, Use Variance and/or Interpretation

Applicant

Owner(s) (If not applicant)

Attorney/ Agent

Name Kermit A. Kelsch same

Address 5140 Townline Rd. Sanborn, N.Y. 14132

Phone/Fax (716)-731-5749

Email _____

Property Information

Property Address Bridgeman Rd. Side of street (north, east, etc.) East

Tax Parcel No 104.04-1-52

Date acquired by owner 1983 Zoning District when purchased Res. vac. land

Present use of property vacant farm land Current Zoning District _____

Has previous ZBA applicant/appeal been filed with property? Yes _____ No X If yes, when? _____

For what _____

Is property located within a 500' of a State Park, town or city boundary or county/state highway? _____

Area Variance - Please answer the following (add additional information as necessary)

That applicant has requested relief from the following Town of Lewiston Zoning Ordinance(s) (Please provide the Article Numbers) _____

Dimension Requirements	To	From
<i>No dimension change required.</i>	<i>06'</i>	<i>125'</i>

Additional Information _____

In order for the Zoning Board of Appeals to grant an Area Variance, it must fully and carefully balance the benefits to the applicant with the health, safety and welfare of the neighborhood and community, taking into consideration ALL of the following.

I. Whether the benefit sought by the applicant can be achieved by other feasible means. Identity what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc) and why they are not feasible.

There is no other means that a direct driveway from Bridgeman Rd. can enter this land locked property.

II. Whether granting the area variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons.

This variance should not change the character of the neighborhood as it will create another space for a neighborhood home.

III. Whether the variance is substantial. The Zoning Board of Appeals (ZBA) will look at the magnitude of relief sought by the applicant and compare it to the current Zoning Law. For example, if the applicant is seeking a variance for a 6 foot side yard setback and the Zoning Law states a minimum 10 foot side yard setback, the ZBA will decide if granting a variance for 6 feet is substantial or not.

I don't believe the change will be substantial as the variance is a change in a right of way to a driveway.

IV. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons.

There should be no adverse effect on the neighborhood that I can think of.

Brief description of the proposed action to change a 66' right of way to a driveway in order to have accessibly to a 44 acre lot for a residence.

Is there a written violation for this parcel that is not the subject of this application? Yes _____ No

Has the work, use or occupancy to which the appeal relates already begun? Yes _____ No

Identify the type of appeal you are requesting Area Variance Use Variance Interpretation

*

V. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created.

Right of Way was in effect in 1983 when I Purchased the property.

Rt of way is 66' wide by 178.3'

Applicant Signature

I/We the property owner(s), or purchaser(s), lessee(s) under contract of the land in question, hereby request an appearance before the Zoning Board of Appeals.

By the signature attached hereto, I/We believe the information provided within this application and accompanying documentation to be true and accurate. I/We further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

Furthermore, I/We hereby authorize the members of the Zoning Board of Appeals to enter the property associated with this application for purposes of conducting any necessary site inspections related to the fact finding process with regard to this pending application.

Kenneth A. Kelsch

Francis J. Kelsch

Signature

Signature

2/19/18

2/19/18

Date

Date



TOWN OF LEWISTON

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Fee \$150 Date Paid 2/20/18 Hearing Date 3/8/18 Approved _____ Denied _____

Appeal to the Zoning Board
Area Variance, Use Variance and/or Interpretation

#23828

	Applicant	Owner(s) (If not applicant)	Attorney/ Agent
Name	<u>Michael Schweiker</u>		
Address	<u>1243 Majestic Woods Dr. GT 14072</u>		
Phone/Fax	<u>716 523-8850</u>		
Email	<u>MJAS13@hotmail.com</u>		

Property Information

Property Address 1243 Ridge Rd Side of street (north, east, etc.) North
 Tax Parcel No 102-1-9.1
 Date acquired by owner 3/14 Zoning District when purchased Farm / AG
 Present use of property Farm Current Zoning District RR
 Has previous ZBA applicant/appeal been filed with property? Yes No If yes, when? 12/10/15
 For what height Variance same for larger building
 Is property located within a 500' of a State Park, town or city boundary or county/state highway? yes

Brief description of the proposed action

The size of the building
is increased and will need a 16 ceiling and
25 top of the roof, 4x12 roof pitch.

Is there a written violation for this parcel that is not the subject of this application? Yes _____ No

Has the work, use or occupancy to which the appeal relates already begun? Yes _____ No

Identify the type of appeal you are requesting Area Variance _____ Use Variance _____ Interpretation

Area Variance - Please answer the following (add additional information as necessary)

That applicant has requested relief from the following Town of Lewiston Zoning Ordinance(s) (Please provide the Article Numbers) 360-85

Dimension Requirements	To	From
<u>48'</u>	<u>Front</u> <u>North</u>	<u>South</u>
<u>152'</u>	<u>Side</u> <u>East</u>	<u>West</u>
<u>24'</u>	<u>Tall back building</u>	

Additional Information The back 76' x 48' of the building will be 24' tall.

In order for the Zoning Board of Appeals to grant an Area Variance, it must fully and carefully balance the benefits to the applicant with the health, safety and welfare of the neighborhood and community, taking into consideration ALL of the following.

I. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc) and why they are not feasible.

The width of the building requires a taller roof to have minimum pitch for the roof and still maintain height in the barn of equipment and tractors/grape harvester.

II. Whether granting the area variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons.

it is a farm property down of ridge road by 75'. No sight lines of neighbors would change.

III. Whether the variance is substantial. The Zoning Board of Appeals (ZBA) will look at the magnitude of relief sought by the applicant and compare it to the current Zoning Law. For example, if the applicant is seeking a variance for a 6 foot side yard setback and the Zoning Law states a minimum 10 foot side yard setback, the ZBA will decide if granting a variance for 6 feet is substantial or not.

The increase is minimal to previous appeal and Town code.

IV. Whether the variance will have adverse physical or environmental effects on neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons.

The barn is against the ridge and is significantly lower than any site line or flight path.

V. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created.

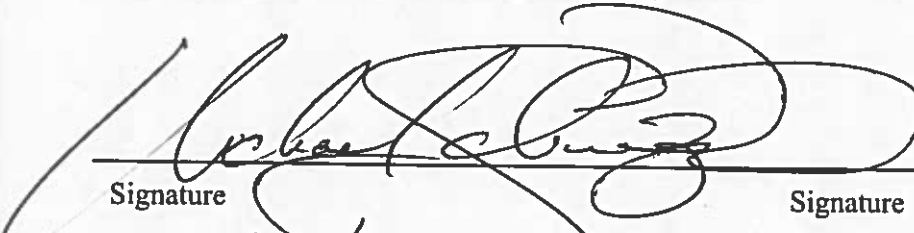
The choice was made to store more equipment requiring the roof line change.

Applicant Signature

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Signature	Signature
<i>2/20/18</i>	
Date	Date