



**TOWN OF LEWISTON**  
1375 Ridge Road  
Lewiston, New York 14092  
(716) 754-8213  
[www.townoflewiston.us](http://www.townoflewiston.us)

**ZONING BOARD OF APPEALS**

**Thursday – November 9, 2017  
7:00 P.M. – Town Hall**

- A. Variance Request – Fiori – Jason Court – SBL# 87.20-2-25**
- B. Miscellaneous**

**PLEASE NOTIFY SANDY IF YOU CANNOT ATTEND**



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Fee 135.00 Date Paid 10/30/17 Hearing Date 11/9/17 Approved        Denied         
# 23733

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

Applicant	Owner(s) (If not applicant)	Attorney/ Agent
Name <u>DAVID GIUSIANNI AS Agent for Gary &amp; Paula Ficci</u>		
Address <u>4691 Jessen Ct</u>		
Phone/Fax <u>David Giusianni 998.2712</u>		
Email <u> david.giusianni@gmail.com</u>		

**Property Information**

Property Address 4691 Jessen Ct Side of street (north, east, etc.) WORTH

Tax Parcel No 87.20-2-25

Date acquired by owner 1990 Zoning District when purchased R-1

Present use of property R-1 Current Zoning District R-1

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

For what       

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

Brief description of the proposed action to add a covered porch on rear of  
house to be used as exterior dining room

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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) 360-38 B

Dimension Requirements

To

From

side yard of 15'

15'



5'-11

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. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc) and why they are not feasible.

my clients have attempted to purchase property from the Service  
Nation to expand their lot but have been denied. They  
have also looked at relocating the proposed pool and  
pool house to other areas of the lot but this will not  
fulfill their requirements of visual control and proximity  
to interior spaces

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 will not change the character of the neighborhood. other sheds, fences, porches, deck, etc are closer than this proposal, in the neighborhood.

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.

this is the least variance that still provides the necessary space for the porch to fully service its intended purpose as a dumping porch for the Fiori family.

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 yard is mostly fenced in with a 6' fence so little of this addition will be seen by the neighbors. in addition they are on a cul-de-sac so very few people even drive through to see this portion of the neighborhood.

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 lots in this neighborhood were created to be the largest minimum zoning standard with open area buffers separating some lots this lot does not have the green area buffer in addition the shallow depth combined with the large front yard setback left little back yard for development

**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.

*M. G. L. as agent*

Signature

Signature

30 Oct 2017

Date

Date