



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

ZONING BOARD OF APPEALS

Thursday – May 10, 2018
7:00 P.M. – Town Hall

- A. Approval of meeting minutes
- B. Variance Request – LMK Realty, LLC. – Northridge Drive
- C. Variance Request – Baptiste – Edna Drive – SBL# 131.06-1-3
- D. Variance Request – Simon – Creek Road – SBL# 102.09-1-3
- E. Miscellaneous

PLEASE NOTIFY SANDY IF YOU CANNOT ATTEND



TOWN OF LEWISTON

1375 Ridge Road

Lewiston, New York 14092

(716) 754-8213

www.townoflewiston.us

Fee \$150.00 Date Paid 4/26/18 Hearing Date 5/10/18 Approved Denied

#23909

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

Applicant

Owner(s) (If not applicant)

Attorney/ Agent

Name LMK Realty Associates, LLC.

Address 8525 Porter Rd. Niagara Falls, NY 14304

Phone/Fax (716) 297-0484

Email _____

Property Information

Property Address Northridge Drive Side of street (north, east, etc.) North

Tax Parcel No 101.12-1-21-41

Date acquired by owner _____ Zoning District when purchased R1

Present use of property vacant Current Zoning District R2

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

For what DMassaro@LMKRealty.net

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 Position multiple townhome buildings to the original R1 district front yard setback of 35'-0" in the now re-zoned R2 district.

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

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

Identify the type of appeal you are requesting X 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) _____

Front yard setback (R2 district) Section 360-62.A(2)

Dimension Requirements	To	From
<u>Decrease front yard setback</u>	<u>35'-0"</u>	<u>40'-0"</u>
_____	_____	_____
_____	_____	_____

Additional Information Originally planned under R1 district with the required 35'-0" front yard setback for the same properties.

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 original R1 district ordinance allowed a 35'-0" front yard setback. The alternative is to reorient the townhouse footprint which would compromise the architectural split of the 2 separate units and make the buildings look more like a single unit. The 40'-0" front yard setback, if mandated, will push the residential units closer to the rear yards of the adjacent Scovell Drive properties, This was to be avoided.

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.

No, the area will have a desirable effect on the character of the neighborhood.

The adjacent neighboring street scape of The Legacy of Lewiston Condominiums on Legacy Drive has a 30'-0" front yard setback, so have the R2 setback of 40'-0" will change the character. Additionally, the rear yard buffer will increase, as a result of the variance, giving more space to the rear residential properties on Scovell Drive.

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 proposed area variance is asking for a minimal 5'-0" relief to bring the townhomes forward to better match the street scape adjacent property on Legacy Drive and provide a better tree buffer, drainage area, and backyard environment for the future residents.

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 area variance will not have an adverse physical or environment affect on the neighborhood or district. Granting the 5'-0" area variance will retain the original architecture of the project, provide a more balanced street scape, allow more room for rear drainage and property buffer between neighbors and give the new townhome residence a more spacious backyard. Encroachment on the Scovell Drive properties is minimized with the requested variance.

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 difficulty is self-created as it's new construction on a new site.

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.

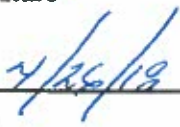
By the signature attached hereto, I/We believe the information provided within this application and accompanying documentation to be true and accurate. I/We further understand that intentionally providing false or misleading information is grounds for immediate denial of this application.

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.



Signature

Signature



Date

Date



TOWN OF LEWISTON

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

Fee 150.00 Date Paid 4/30/18 Hearing Date 5/10/18 Approved Denied

23922

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

Applicant	Owner(s) (If not applicant)	Attorney/ Agent
Name <u>JAMES BAPTISTE, AIA</u>		
Address <u>945 EDNA DR.</u>		
Phone/Fax <u>716.990.3057</u>		
Email <u>JIMBAPT@HOTMAIL.COM</u>		

Property Information

Property Address Vacant Side of street (north, east, etc.) NORTH-WEST
Tax Parcel No 131.06-1-3
Date acquired by owner 9.10.07 Zoning District when purchased R-1
Present use of property YARD 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? NO

Brief description of the proposed action APPLICANT PROPOSES NEW HOME
CONSTRUCTION FOR PERSONAL RESIDENCE EDNA DR.
DOESN'T CONTINUE PAST PROPERTY IN QUESTION,
! CANNOT. REQUESTING RELIES FROM FRONT YARD
SETBACK. NEIGHBOR HAS BEEN CONSULTED ! AGREES.

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) 360.38A FRONT YARD SETBACK

Dimension Requirements	To	From
		<u>15'-0"±</u>

Additional Information THERE IS NO "FRONT" YARD. EDNA DR. DOES NOT PASS THE PROPERTY

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.

THE PROPERTY IS INACCESSIBLE TO VEHICULAR TRAFFIC WITHOUT CHANGING PROPERTY LINES. ALTERNATE APPROACHES TO THE GARAGE WOULD RESULT IN UNDESIRABLE STREET-VIEW OF FACADE.

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.

UNTIL A FEW YEARS AGO THE "NEIGHBORHOOD WAS ONLY (2) HOUSES. A THIRD HOME WAS CONSTRUCTED IN THE PAST FIVE YEARS. I'VE MET WITH THE OWNERS OF THE NEW HOME @ 915, WHO WOULD BE ADJACENT TO THE PROPOSED CONSTRUCTION. THEY HAVE NO OBJECTIONS

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.

AS THERE IS NO TRUE FRONT YARD, IT SEEMS THAT ANY "VARIANCE" GRANTED TO THE FRONT YARD SETBACK WOULD NOT BE "SUBSTANTIAL".

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 PROPOSED MASSING; SCALE OF THE DESIGN IS IN KEEPING W/THE EXISTING FABRIC OF THE NEIGHBORHOOD. SOLAR LOWERS; GEOTHERMAL HVAC IS INTENDED FOR THE PROJECT; WOULD HELP MITIGATE FURTHER STRESS ON INFRASTRUCTURE.

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 PROPERTY IN QUESTION IS LANDLOCKED, THUS
NOT SELF-CREATED

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.


Signature

JAMES P. BAPTISTE, AIA
Signature

4.27.18
Date

Date

4/27/2018

•••

James Paul Baptiste, AIA
945 Edna Drive
Lewiston, NY 14092

Zoning Board, Town of Lewiston
1375 Ridge Road
Lewiston, NY 14092

Dear sirs/mams

Please accept my application for relief from front yard setback requirements for parcel #131.06-1-3.

This property in question is currently utilized as a large side yard to my current residence and was included when I purchased my home at 945 Edna Drive in 2007.

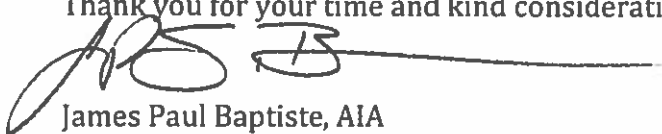
Edna Drive does not continue past my current side yard and without the proposed alteration to the property lines it is inaccessible to vehicular traffic without a permanent access easement.

Edna Drive currently accesses only 3 homes. 945 & 951 are existing and 915 Edna was constructed in the past 5 years. The lot in question and 915 are the effective bookend of this dead end street.

The proposed home design (which I intend to permanently reside in) presents itself to the dead-end traffic in such a fashion as not to look like a dead-end but more as a destination by presenting the house to the oncoming traffic before the garage. The garage doors would be visible to traffic in keeping with 915 Edna but are not intended to be the primary visual to oncoming traffic.

The primary façade of the proposed construction is in alignment with the existing home at 945 & 951 Edna but the garage would intersect the primary façade perpendicularly effectively creating the street bookend. The height of the intended design is in keeping with 945 & 951. Upon completion of construction it is my intent to sell 945 Edna and move into the newly constructed home increasing the tax base without negatively impacting the current neighborhood.

Thank you for your time and kind consideration.



James Paul Baptiste, AIA
(encl. application, check, drawings)



TOWN OF LEWISTON

1375 Ridge Road

Lewiston, New York 14092

(716) 754-8213

www.townoflewiston.us

Fee \$150. Date Paid 4/30/18 Hearing Date 5/10/18 Approved _____ Denied _____

23923

Appeal to the Zoning Board

Area Variance, Use Variance and/or Interpretation

Applicant	Owner(s) (If not applicant)	Attorney/ Agent
Name <u>Emery Simon</u>		
Address <u>4859 Creek Rd 755 Center St Lew</u>		
Phone/Fax <u>754 2092</u>		
Email <u>Emery @ Simon Construction Co. com</u>		

Property Information

Property Address 4859 Creek R Side of street (north, east, etc.) east

Tax Parcel No 102.09-1-3

Date acquired by owner 2016 Zoning District when purchased R-1

Present use of property Res 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? Yes

Brief description of the proposed action

^{12'} addition on south side of house
and 24' x 60' garage on North side of house.
3' from line.

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

12' x 56.6' addition

8'

15'

24' x 60' garage

3'

5'

Additional Information no additional info

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.

neighbor owns next door no land
to purchase

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 will allow the house to have a 2 car garage that will improve the use and performance of house as well as appearance

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 houses in the area have 2 car garages this house only has one making it have 2 will make it fit better in the neighborhood

Moving the garage over will help to create a better view of the woods with the door and will be closer to neighbors garage

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.

Both neighbors have no problem with the addition of garage

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.

house was build 50 years ago
so it was not self created

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.

[Handwritten signature]

Signature

Signature

4/30/18

Date

Date