

At a meeting of the Zoning Board of Appeals of the Village of East Aurora, New York, held at the Village Hall, East Aurora, New York on the 22nd day of January 2019

PRESENT:

John Spooner, Chairman
John Pagliaccio
Molly Flynn
Michael Croft
Joe Cassidy
Bruce Mitchell, Alternate

ABSENT:

ALSO PRESENT:

Liz Cassidy, Code Enforcement Officer
Nancy Burkhardt, Deputy Village Clerk
John Layer, 205 South Grove Street
Tony Rosati, 350 Oakwood Ave

Chairman John Spooner opened the meeting at 6:00 PM. Chairman Spooner requested a motion to approve the minutes from December 13th. Member John Pagliaccio motioned to approve the minutes, Member Michael Croft seconded the motion with unanimous approval.

Member Croft motioned to close the meeting of the Zoning Board of Appeals at 6:00 PM, seconded by Member Molly Flynn with unanimous approval.

**IN THE MATTER OF THE APPLICATION OF
Holly & John Layer – 205 S. Grove Street
Village Code §285-17 D(1) required front yard is to be 20% of the lot depth (31'8").**

Chairman, John Spooner opened the meeting at 6:00 pm and introduced the (6) members of the Zoning Board of Appeals which constitutes a quorum.

IT APPEARING that all parties entitled to notice pursuant to statute were given due and timely notice of the hearing in this matter as it appears from an affidavit of mailing filed herein and made a part of the record in this matter and that the required notice of hearing was published in the official newspaper of the Village of East Aurora on January 17th 2019 as it appears from the affidavit of publication filed herein and made a part of the record in this proceeding; and findings.

Chairman John Spooner requested Code Enforcement Officer, Elizabeth Cassidy, to read the denial letter sent to Holly and John Layer:

1. The denial letter from the Code Enforcement Officer dated November 14th, 2018 stating that relief is needed from Village Code Sections §285-17D (1) Required front yard is to be 20% of the lot depth. The existing legal non-conforming front yard is 31'8", the requested front yard is 25'8", for a variance request of 6'.
2. The letter of appeal from John and Holly Layer was read aloud and made part of the record.

IT APPEARING that this matter was not referred to the Erie County Division of Planning with Erie County giving no recommendation.

Chairman Spooner asked if there were any other communications received on the matter. CEO Liz Cassidy responded 'No'.

Chairman Spooner asked John Layer, to present his case to the Zoning Board of Appeals.

Mr. Layer stated they are looking to add a front door and stairs to their house in order to match the feel for the neighborhood. The proposed setback will be less than that of the other homes on the street. The front entry will maintain the home's character, and enhance the overall visual appearance. The applicant presented additional renderings put together from their architect to demonstrate the visual appeal of the proposed portico.

Member Croft stated he had reviewed the surrounding neighborhood and found what Mr. Layer was saying to be true – many of the nearby homes had a similar layout as what they are requesting. Member Flynn stated the lot is already non-conforming; the variance request is for only six feet, which isn't excessive.

Chairman Spooner asked the applicant what would occur if the variance was not approved. Mr. Layer responded that due to their roof pitch, snow and ice would accumulate and then pose a danger for anyone on the stairs below. Member Flynn also pointed out that with the driveway's location, there is no other feasible location for this portico to be built.

As there were no further questions for the applicant, Chairman Spooner closed the hearing at 6:10 PM for deliberations.

Chairman, Spooner called the meeting back into order to read the following findings for John & Holly Layer of 205 S. Grove Street.

1. 205 S. Grove Street is in an R District.
2. The residence was constructed in 1926.
3. There is an existing open concrete stoop which does not extend past the front wall of the residence.
4. There proposed covered porch will extend an additional 6' toward the street than the existing front wall of the residence.

5. The front brick steps are an allowed projection into the yard as per 285-50(E) of the Village Code.
6. The proposed covered porch would provide weather and safety protection for the front entry.
7. There are a large number of homes in the neighborhood that have front porches with setbacks similar to that of the requested variance.
8. There were 27 notices sent out regarding this variance and there were 0 responses.
9. The requested variance will not change the character of the neighborhood nor is it a self-created hardship.
10. The proposed variance is the minimum variance which will prevent the practical difficulty herein without violating the spirit and intent of the zoning code.
11. This is a type II action under SEQR.

Member Flynn made a motion to accept the proposed findings and to **GRANT** a variance. The motion was seconded by Chairman Spooner with unanimous approval.

The Chairman asked for a motion to close this meeting of the Zoning Board of Appeals, motioned by Member Croft, seconded by Member Flynn, unanimous “aye”, Zoning Board of Appeals meeting for January 22nd, closed.

Respectfully submitted,

Nancy A. Burkhardt
Deputy Village Clerk