



INCORPORATED:
APRIL 18, 1854

Village of Youngstown

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Zoning Board of Appeals Application of Kristel Stevens, 580 Lockport Street, Youngstown November 18, 2019

The Zoning Board of Appeals Members met at the Stevens' property for the on-site inspection at 6:15 p.m. at which the applicant had marked the location of the proposed structure on the ground. Having visited the site, the Board Members considered that the location and height of the proposed structure would not adversely affect the closest neighbor, Mr. Battey, who had already expressed his assent for the requested variance.

The meeting of the Village of Youngstown Zoning Board of Appeals was called to order at 6:35 p.m.

Present: Chairperson Thomas Murphy, Member Lisa Lucas, Member Patrick Howey, Member Tyler Finkle, Building Inspector Peter Jeffery (Town of Porter), Zoning Board of Appeals Clerk Amy Freiermuth

Absent: Member Dave Gratz

A copy of the public hearing was available for viewing:

VILLAGE OF YOUNGSTOWN ZONING BOARD OF APPEALS NOTICE OF PUBLIC HEARING

NOTICE IS HEARBY GIVEN THAT, pursuant to Village Law and the Zoning Ordinances of the Village of Youngstown, a public hearing will be held by the Zoning Board of Appeals, at the Village Center, in the Board Room at 240 Lockport St., Youngstown, NY (716-745-7721) on November 18, 2019 at 6:30 p.m. for the purpose of hearing and considering the following applications for a variance:

Appeal by Kristel Stevens, for property located at 580 Lockport Street, Tax Map ID: 45.19-1-12.1 from denial of building permit #059-2019 for an accessory structure over 15 feet in height. A variance of 1 foot is requested.

The onsite inspection for the above application will occur on November 18, 2019 at 6:15 p.m.

Applicant or representative must be present at the inspection and hearing. Description for the above application is available for viewing at the Village Clerk's Office during normal business hours.

*Amy L. Freiermuth
Zoning Board of Appeals Clerk*

Chairperson Murphy stated that there was nobody in the audience present for the public hearing. He stated that Vic Battey, Kristel Stevens' neighbor at 570 Lockport Street emailed with no objections. Neighbor Timothy Wilkesmore emailed Clerk Freiermuth stating he had no objections to the project. No written or other objections to the requested variances were received prior to the meeting.

Chairperson Murphy explained that the request is for a one foot height variance. Current code allows accessory buildings to be 15 feet tall, and the application is for 16 feet. He asked John Stevens why he was seeking the additional foot and Mr. Stevens stated that it is purely for ascetics so that this building matches the ridgeline of the addition on his home and will also allow for a 9-foot sidewall.

Chairperson Murphy stated that because this is a Type II action, a SEQR environmental assessment is not required.

Chairperson Murphy stated that Mr. Stevens was representing the applicant Kristel Stevens and was not present as the Building Inspector (Building Inspector Peter Jeffery from the Town of Porter is representing the Village for this application).

Member Howey asked Mr. Stevens why the new building will be so close to the current garage and if there would be enough room to drive a vehicle into the older building. Mr. Stevens explained that building would be used for his woodshop and that no vehicles will go inside.

With no further discussion, a motion to approve the height variance as presented was made by Member Lucas and seconded by Member Finkle. With no further discussion, roll was called:

Member Lucas: Yes

Member Howey: Yes

Member Howey stated that the Zoning Board Members have 5 questions to consider when granting a variance and he feels that this project will benefit the neighborhood and is worth the variance requested. Specifically, Mr. Howey noted his conclusions as to the following factors without exception from other Board Members:

1. The requested variance would not result in an undesirable change to the character of the neighborhood and would not be a detriment to nearby properties;
2. the benefit sought by the applicant could not be achieved by a feasible alternative to the requested variance;
3. the requested variance (one foot in height) is not substantial;
4. the requested variance would not have an adverse impact on the physical or environmental conditions in the neighborhood, and
5. while the need for the variance was arguably self-created, this is true of nearly every request for area use variances, and did not pose a significant obstacle to the requested relief here.

Chairperson Murphy: Yes

Member Finkle: Yes

Member Gratz: Absent.

Motion carried.

A motion to adjourn the meeting at 6:42 p.m. was made by Chairperson Murphy and seconded by Member Howey. All in favor, motion carried.

Respectfully Submitted,

Amy L. Freiermuth
Clerk, Zoning Board of Appeals