



INCORPORATED:  
APRIL 18, 1854

# Village of Youngstown

VILLAGE CENTER • 240 LOCKPORT STREET  
P. O. BOX 168  
YOUNGSTOWN, NEW YORK 14174-0168

TELEPHONE:  
(716) 745-7721  
FAX:  
(716) 745-3400

Monday, March 28, 2022

Present: Chairperson Thomas Murphy, Member Tyler Finkle, Member Keith Hartloff, Member William Lolo, Building Inspector John Stevens, Zoning Board of Appeals Clerk Amy Freiermuth

Absent: Member James Carminati

The public hearing and meeting of the Village of Youngstown Zoning Board of Appeals for the application of Ryan and Dianna Dominguez, 396 Church Street, Youngstown was called to order at 6:58 p.m. by Chairperson Murphy.

The following notice was mailed to all residents within 500 feet of the property line (of the applicants) as well as published in the Niagara Gazette on March 22, 2022.

## ***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 on March 28, 2022 at 7:00 p.m. for the purpose of hearing and considering the following application for a variance:*

*Appeal by Ryan and Dianna Dominguez, for property located at 396 Church Street, Tax Map ID: 59.06-2-32 from denial of building permit #001-2022 for a proposed addition that does not meet side yard setback requirements. A minimum of 10-feet is required while a setback of 7.87-feet is requested requiring a 2.13-foot variance.*

*The onsite inspection for the above application will occur on March 28, 2022 at 6:30 p.m. Applicant or representative must be present.*

*Complete application is available for viewing at the Village Clerk's office during normal business hours.*

*Amy L. Freiermuth  
Zoning Board of Appeals Clerk*

Property owners Ryan and Dianna Dominguez were present.

Chairperson Murphy prepared notes prior to the meeting and read from his notes throughout the meeting. They are included below in italics.

*The application under consideration is for an area variance affecting one side yard at 396 Church Street. The Code Enforcement Officer denied a requested building permit on the single ground that the side yard created by the proposed project would have less than the required minimum width.*

*The Board members conducted an inspection of the project site this evening prior to the hearing.*

*This property is located in the R-15 Zoning District which requires side yards to measure at least 10 feet in width. As proposed, the project would result in a side yard on the east side of the existing house measuring between 8.10 and 7.87 feet in width. The requested variance is therefore 2.13 feet.*

*Background points:*

*This lot and the adjoining lots on Church Street are narrow to begin with relative to the widths of the houses on them. This leads to narrow side yards on properties on the north side of Church Street.*

*For example, the adjoining lot to the west (390 Church Street) has a side yard of less than 6 feet as compared with the 10-foot minimum required by the current Code.*

*In addition, the sides of this house are not actually parallel to the east and west lot lines, resulting in side yards which taper along their lengths. The result in this instance is that the requested variance actually ranges from a minimum of 1.90 feet at the SE corner of the planned addition to a maximum of 2.13 feet at the NE corner of the addition.*

Chairperson Murphy asked The Dominguez's why they are looking for the variance. Mr. Dominguez stated he felt that the addition would be more aesthetically pleasing as it would match the addition on the other side of the house if the variance is approved.

Chairperson Murphy stated that during the site inspection, Mrs. Reelee, the neighbor directly to the east of the property, stated that she had no objections with the variance.

*This same property was granted a variance for its west side yard in 2004 at the request of a prior owner for the purpose of adding an extension which was nearly the mirror image of the one for which Mr. and Mrs. Dominguez have brought this application. This Board in 2004 granted the requested side yard variance then, resulting in a west side yard measuring 7.40 feet at its widest point and 7.04 feet at its narrowest point. The 2004 variance granted by the Zoning Board of Appeals in 2004 on this same property was therefore larger than the variance being requested now.*

Chairperson Murphy explained that the Board considers the following five questions prior to granting a variance and stated that after the question is read, he wanted each member to agree or disagree.

:

1. *Will the requested variance result in an undesirable change to the character of the neighborhood or be a detriment to nearby properties?*

Each Member stated no.

2. *Could the benefit sought by the applicant be achieved by a feasible alternative to the requested variance?*

The Members agreed that there could be an alternative but it would be less aesthetically pleasing.

3. *Is the requested variance substantial?*

The Members agreed it was not a substantial variance.

4. *Will the requested variance have an adverse impact on the physical or environmental conditions in the neighborhood?*

The Members agreed that there would be no adverse impact.

5. *Is the need for the requested variance self-created and, if so, does that factor pose a significant obstacle to the requested relief?*

All Members agreed that the addition will follow the existing property line which was out of the current owner's control.

Chairperson Murphy asked if anyone in the audience had any comments. Neighbor (across the street) Al Smith stated that if the Reeles are ok with the addition/variance, he had no problems otherwise. Neighbor (down the road) Jonathan Smith agreed and asked if the addition would cause further drainage issues. Mr. Dominguez stated that there are six drains in the backyard to address drainage.

Chairperson Murphy asked Code Enforcement Officer Stevens if he had anything further to add. Stevens did not.

With no further discussion, a motion was made to approve the Variance as requested by Member Finkle and seconded by Member Lolo.

Roll was called:

Member Finkle: Yes

Member Hartloff: Yes

Member Lolo: Yes

Chairperson Murphy: Yes

*Final Points:*

*First, this is a Type II action as defined by NYS SEQRA regulations because it involves a residential project and does not propose a zoning change affecting 25 or more acres.*

*While the property is on Church Street, which is a County road, referral to the Niagara County Planning Board per NY General Municipal Law sec. 239-m is not required; under an inter-municipal agreement between the County and the Village, 396 Church Street is exempt from the referral requirement because the property does not border a municipal boundary or a municipal park, and is not located on a corner lot.*

A motion to adjourn the meeting at 7:07 p.m. was made by Member Lolo and seconded by Member Finkle. All in favor, motion carried.