

**TOWN OF ELLICOTTVILLE
ZONING BOARD OF APPEALS
Thursday, May 4, 2023 at the Town Center at 6:00 p.m.**

PRESENT: Cindy Dayton, Chairperson
Gail Scheeler, Member
Harry Weissman, Member

ALSO PRESENT: Gregory Keyser-Town Planner, Kenneth & Barbara Walters-Applicants

Ms. Cindy Dayton, Chairperson called the meeting to order at 6:00 p.m.

The Minutes of the February 2, 2023 meeting were read.

Moved by Ms. Scheeler to approve the Minutes of February 2, 2023 as read. Seconded by Mr. Weissman. Ayes all. Carried.

Ms. Dayton presented TYP-2023-151, 8151 Irish Hill Road, Kenneth Walters, area variance request from Section 3.4(D)(3) to allow the construction of a 24 foot x 36 foot pole barn approximately 10 feet from the side property line. The property encompasses approximately 8.25 acres and is situated in the Agricultural-Residential District.

The current use of the property is one-family residence, which is a permitted use in the AR District. Adjacent land uses include one-family residences and vacant land. The proposed pole barn is an accessory structure on the same lot as the principal use and permitted in the AR District. The required side yard setback is 30 feet. The proposed setback is 10 feet for a variance request of 20 feet (66%).

Mr. Keyser advised that the ZBA should review the application and determine if additional information needed. The applicant received a building permit in error from the Town of Ashford and commenced construction activity with the understanding he was compliant with appropriate regulations.

Mr. Walters stated that he obtained the building permit from the Town of Ashford, then he was notified by them that his property is in the Town of Ellicottville and the building permit was not valid and he would have to contact the Town of Ellicottville for permits and approvals. He stopped work and applied for a building permit in Ellicottville.

Ms. Dayton asked, do you live on the property full time?

Ms. Walters said they spend every weekend there and will eventually live there full time in the future.

Ms. Dayton advised that this is the initial meeting where the Board reviews the application and if it determines it is complete a public hearing will be set for the next meeting. Following

the close of the public hearing the ZBA has 62 days to act on the application. Typically if there are no issues a decision could be made at that meeting.

Mr. Keyser noted that this is a panhandle lot which creates the issue. Zoning Board of Appeals members agreed the application is complete and a public hearing should be set for the June 1, 2023 meeting.

Moved by Ms. Scheeler to set a public hearing for TZP-2023-151, 8151 Irish Hill Road, Kenneth Walters, area variance request to the minimum side yard set back for June 1, 2023 at 6:00 p.m. Seconded by Mr. Weissman. Ayes all. Carried.

Ms. Dayton noted that with Ms. McGoldrick away and Mr. Wiechman recovering from surgery there may not be a quorum on June 1, 2023 as she will not be available. A discussion was held on holding the meeting on May 25, 2023.

Moved by Ms. Scheeler to amend the motion to change the ZBA meeting to May 25, 2023 and to set the public hearing for TZP-2023-151, 8151 Irish Hill Road, Kenneth Walters, area variance request to the minimum side yard setback for May 25, 2023 at 6:00 p.m. Seconded by Mr. Weissman. Ayes all. Carried.

Mr. Keyser advised that there will be 2 or 3 applications on the May 25, 2023 meeting agenda.

Mr. Keyser presented information on the Annual Local Government Conference at Houghton in June which will provide ZBA members with the training hours requirement.

Moved by Ms. Scheeler to adjourn. Seconded by Mr. Weissman. Ayes all. Carried.

The meeting was adjourned at 7:00 p.m.