



Zoning Board of Appeals

Special Meeting

Minutes

5583 Main Street
Amherst, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Monday, September 27, 2021

5:15 PM

Amherst Municipal Building

I. Announcement

Join Zoom Meeting

<https://us02web.zoom.us/j/8539333820?pwd=VIU1Rkx6TUIYVFTT3I4TFg5UUUcjUT09>

Meeting ID: **853 9333 3820**

Passcode: **562523**

by Telephone: Dial 1-646-558-8656

II. Call to Order

5:15 PM Meeting called to order on September 27, 2021 at Amherst Municipal Building, 5583 Main Street, Williamsville, NY.

Attendee Name	Organization	Title	Status	Arrived
John Radens	Town of Amherst	Chairman	Remote	
Ann M. Nichols	Town of Amherst	Member	Remote	
Nina Cherian	Town of Amherst	Member	Remote	
Ronald Shubert	Town of Amherst	Member	Remote	
Kelly J. Philips	Town of Amherst	Member	Remote	
Daniel J. Ulatowski	Town of Amherst	Assistant Planning Director/ZEO	Remote	

III. Hearing on Appeal

1. ZBA Item 2021-74

42 Oxford Avenue- Area Variances Setbacks for Accessory Structure and Fence Height

The petitioner's playground is 28.70 feet from the main wall of a building, and less than 25 feet to the public right of way, whereas the Zoning Ordinance requires an accessory structure to be 30 feet from the main wall of a building and 25 feet from the public right of way, and whereas, the petitioner's fence is 4 feet in height in the required setback, whereas

the Zoning Ordinance limits fencing to 3 feet in height within the required front yard.

9/27/2021

Michael Bray appeared and answered questions from the Board.

There were no speakers from the public, therefore Mr. Radens moved to close the hearing, seconded by Ms. Cherian and unanimously approved 5-0.

HISTORY:**09/21/21****Zoning Board of Appeals****ADJOURNED****Next: 09/27/21**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Radens, Chairman
SECONDER:	Ronald Shubert, Member
AYES:	Radens, Nichols, Cherian, Shubert, Philips

IV. Adjourn

There being no further business to come before the Zoning Board of Appeals, Mr. Radens moved to adjourn, seconded by Ms. Cherian and unanimously approved 5-0. The Zoning Board of Appeals meeting of September 27, 2021 was adjourned at 5:30 PM.



Zoning Board of Appeals

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Francina J. Spoth
Town Clerk

Meeting: 09/27/21 05:15 PM
Department: Zoning Board of Appeals
Initiated by: **Thomas J. Voigt**
Co-Sponsored by:

DOC ID: 24756

ZBA ITEM 2021-74

APPROVED

42 Oxford Avenue- Area Variances Setbacks for Accessory Structure and Fence Height

WHEREAS, **Michael Bray, AIA** has made application for an Area Variances, under

1. SECTION: 3-15-6 (setback)

2. SECTION: 7-5-3 (fence)

of the Zoning Ordinance of the Town Amherst for the property owned by him/her at:

42 Oxford Avenue within a MFR-5 Zoning District

The petitioner's proposed **playground** will be **28.70** feet from the **main building wall and less than 25 feet from the public right of way**, whereas, the zoning ordinance requires a minimum of 30 feet and 25 feet respectively, AND

The petitioner's proposed **fence** will be 4 feet in height, whereas, the zoning ordinance requires a maximum of 3 feet in height, AND

WHEREAS, a public hearing was held on **September 21 & 27, 2021** after proper notice, AND

WHEREAS, this Board must consider the testimony and evidence submitted by the applicant and the following factors detailed in §267-b(3)(b) of the NY Town Law:

-) **whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,**
-) **whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance**
-) **whether the requested area variance is substantial,**
-) **whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**
-) **whether the alleged difficulty was self-created; AND**

WHEREAS, this Board after reviewing the application and supporting materials, conducting a public hearing and after due deliberation and vote of the Board finds that the variances are not substantial, that it will not have an adverse impact on the physical or environmental conditions of the neighborhood and that it will not create any undesirable change in the character of the neighborhood; AND

WHEREAS, this Board finds that the benefit to the applicant if the variances are granted outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant based upon a balancing of the factors contained in §267-b(3)(b) of the Town Law; and

WHEREAS, this Board believes that the variances requested are the minimum variances that this Board deems necessary and adequate and at the same time preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, a record having been made by electronic means and preserved in digital format is available in the Town Clerk's Office;

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby GRANT area variances from the above-mentioned sections of the Zoning Ordinance of the Town of Amherst.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Radens, Chairman
SECONDER:	Ronald Shubert, Member
AYES:	Radens, Nichols, Cherian, Shubert, Philips