TOWN OF NIAGARA

COUNTY OF NIAGARA, STATE OF NEW YORK

NIAGARA FALLS, N.Y.



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**(DRAFT)**

**TOWN OF NIAGARA**

**ZONING BOARD OF APPEALS**

**PUBLIC HEARING MEETING MINUTES**

**REGULAR MEETING MINUTES**

**December 10, 2024**

**Present:** Jody Wienke, JoAnna Wallace, Guido Virtuoso,

Richard Halleen, Jackie Duff - Secretary, Thomas Cuddahee - Chairman

The meeting opens at 6:30 P.M. with the Pledge of Allegiance.

**PRESENTATIONS**

**Charles Dahlke, RA. / Agent**

Use Variance

5797 Divide Rd.

Tax Map# 131.11-1-2

Applicant seeks relief of 3 Town of Niagara Zoning Ordinances:

1. Chapter 245 Zoning, Article III. Classes of districts, Section 245-15 compliance with code requirements, subsection 245-15 appendix A part 2. The existing Structure is defined as a legal non-conforming structure. The incorporation of the existing accessory detached garage into the proposed principal building’s design, by definition is no longer accessory but the principal use structure. As a principal use (single family dwelling) located on a corner lot the required minimum front yard setback is 40 linear feet per attachment.
2. The Existing detached Garage carries a legal non-conforming status, as its location on the corner lot does not comply with the minimum 40 linear feet setback requirement. Per chapter 245 Zoning Article VII. Nonconforming use section 245-35. General, subsection 345-35 A(2). No nonconforming building shall be enlarged, extended or increased unless such enlargement, approved by the Zoning Board of Appeals, would tend to reduce the degree of nonconformity.
3. The proposed structural alteration/reconstruction costs of the nonconforming detached garage will exceed 50% of its assessed value and do to its design will not change the structure to become in compliance with the applicable code. Chapter 245. Zoning Article VII. Nonconforming uses section 245-35. General, subsection 245-35. Disallows such alterations / reconstruction

Mr. Dahlke states that the client is looking to make their home and their garage more conducive to their needs.  There is an existing two car garage that is detached that was there when they purchased the home. They want to enlarge the garage so that they are able to store their boat which currently sits in their driveway, inside the garage when it's not in use and also give them enough room for their vehicles as well. In addition to that they are looking to add a master suite to the top of the garage and in conjunction with all that, the garage would be attached to the house so that they no longer have to go outside to open the garage or get to their cars.

Mr. Dahlke further states that they didn't even know that it was a corner lot because the street that it borders is just a paper street.

Mr. Cuddahee asks about encroachment on the street right away. Mr. Dahlke responds that they are maintaining the footprint of the existing garage and just enlarging it to the west and the south which would be further away from the right of way than the existing buildings.

Mr. Cuddahee again confirms that this is just a paper street that it borders and Mr. Dahlke confirms that yes it is a paper street.

Mrs. Wienke asks for clarification of the location of the existing garage. Mr. Dahlke points out that the darker lines are the proposed new construction and the lighter lines are the existing structure.  He further explains that there is no covering above the space between the existing detached garage and the home.  Mrs. Wienke asks about it extending further into the front of the home. Mr. Dahlke explains that it does not.

Mr. Cuddahee asks if there are any additional questions from the board. No one asks additional questions.

**PUBLIC HEARING**

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Mr. Cuddahee opens the public hearing.

Mr. Dahlke is for the project.

No one is opposed.

Public hearing is closed.

Mr. Cuddahee asks if having examined they request of the applicant vs the five criteria in if anyone is willing to make a motion to approve the area variance.

Mr. Virtuoso made a motion to approve the variances as submitted. Mrs. Wallace seconds.

**ROLL CALL**

Ayes: Mrs. Wienke, Mrs. Wallace, Mr. Halleen, Mr. Virtuoso, Mr. Cuddahee,

Noes: None

Abstained: None

Mr. Haseley further clarifies that the relief of the 40 foot setback is such that the proposed new garage will not extend past the existing garage and no further as the applicant stated by the applicant.

# MINUTES

Meeting minutes of the Zoning Board of Appeals October 8, 2024.

Mr. Halleen Motions to approve the minutes. Mrs. Wallace Seconds.

**ROLL CALL**

Ayes: Mrs. Wienke, Mrs. Wallace, Mr. Halleen, Mr. Virtuoso, Mr. Cuddahee

Noes: None

Abstained: None

Mr. Virtuoso Motions to adjourn the meeting. Mrs. Wienke Seconds.

**ROLL CALL**

Ayes: Mrs. Wienke, Mrs. Wallace, Mr. Halleen, Mr. Virtuoso, Mr. Cuddahee

Noes: None

Abstained: None

As there was no further business, the meeting ended at 6:50 PM

Respectfully submitted

Jackie Duff