

## **04/14/09 Zoning Board Minutes**

### ZONING BOARD OF APPEALS

The hearing on Tuesday, April 14, 2009 was called to order by Chairman Trzepacz at 8:00 PM.

Members present: Alfred Harrington also: Joseph Colern, Bldg Inspector  
Harry Kaczmarek Greg Kalinowski, Alternate  
Michael Komorek  
Robert Schafer  
Donald Trzepacz, Chairman

After Roll Call, the Clerk read the Notice of Public Hearing for Appeals Case #1140 for Jonathan Bierl, 921 Jamison Rd, who is requesting a variance for 1036 Rice Rd for a 5' addition to the rear of the house with a 24'x24' attached garage, to replace an existing enclosed porch on the front of the house with an open air porch that will continue along the east side of the house and replace an existing shed with a new 12'x12' shed. Res. C, 144-99 C (4); Appeals Case #1141 for Edward Sauer, 111 Jamison Rd, who is requesting a variance to install a 26'x30' structure and to purchase 4 Alpaca's and 1 Llama to raise and breed for their fiber and sale. C1. 144-72 A 1, 144-58 A (3) & 52-6; Appeals Case #1142 for Joe & Anita Sahlen, 211 Buffalo Creek Rd, who are requesting a variance to convert a 2nd floor garage area (carriage house) into an in-law apartment. Res. B. 144-51 A 1 & 144-51 A 2.

In the matter of Appeals Case #1140 Jonathan Bierl stated he would like to make improvements to the house on the corner of Rice Rd and Elderberry Ln which had belonged to his grandmother. The proposed new garage will sit on angle. The two old garages will be taken down along with the old shed. The corner of the new garage will be 13' from the road (the old garage was 10' from the road). The new porch will go along the front of the house and around the side and will be 70' from the front setback and 20' from the side setback. A U-shaped driveway will be added going from Elderberry to Elderberry. Erie County says the new septic system will go where the existing driveway

is now. No one spoke for or against this project.

Mr. Schafer made the motion: In Appeals Case #1140 for Jonathan Bierl, 921 Jamison Rd, who is requesting a variance for 1036 Rice Rd for a 5' addition to the rear of the house with a 24'x24' attached garage, to replace an existing enclosed porch on the front of the house with an open air porch that will continue along the east side of the house and replace an existing shed with a new 12'x12' shed, I move the variance be granted, per sketches submitted and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Kaczmarek. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1141 Edward Sauer stated he would like to start an alpaca farm. Chairman Trzepacz informed Mr. Sauer that the code to which is alpaca farm falls under was incorrect on his application and on the legal notice. The new code is 144-74 which is part of the Agricultural District and the C1 & C2 Zoning Code. The alpaca farm and his land use are not in question but the structure he is requesting on the application is what needs to be addressed. Mr. Sauer said the structure on the application isn't the structure he is interested in and would like it eliminated from his application. He is not sure at this time as to the building he will be using for the Alpaca's. He has registered with the Farm Bureau to make sure he has the correct structure for the alpaca's & llama to hold up to high winds & snow loads. Mr. Sauer will need to come back before the Board when he has the plans for an appropriate and most cost efficient structure. Mr. Sauer submitted letters from surrounding neighbors in support of his project. No one spoke for or against this project.

Mr. Komorek made the motion: In Appeals Case #1141 for Edward Sauer, 111 Jamison Rd, who is requesting a variance to install a 26'x30' structure and to purchase 4 Alpaca's and 1 Llama to raise and breed for their fiber and sale, I move the variance be granted a continuance for a potential structure. Seconded by Mr. Harrington. Poll vote – 5 ayes. Motion carried.

In the matter of Appeals Case #1142 Joe and Anita Sahlen stated they would like to convert a 2nd floor carriage house into an in-law apartment. The building is over 10 years old. They moved into their house in 1994 and had the garage/carriage house built approximately 3 years later. The apartment won't necessarily be used by in-laws and won't be a permanent residence for anyone in particular. It will not be rented out or leased. The architects deem the building structurally sound for the apartment. There were

some discrepancies on the dates of the plans but the Sahlen's stated they planned on adding the apartment back in 2002 but had changed their minds. No one spoke for or against this project

Mr. Komorek made the motion: In Appeals Case #1142 for Joe & Anita Sahlen, 211 Buffalo Creek Rd, who are requesting a variance to convert a 2nd floor garage area (carriage house) into an in-law apartment, I move the variance be granted, per sketches submitted and provided all Elma Town Codes and Ordinances are met. Seconded by Mr. Schafer. Poll vote – 4 ayes. 1- no. (Mr. Kaczmarek voted no). Motion carried.

There is no correspondence at this time.

The minutes of the last meeting of March 10, 2009 were approved as submitted.

There being no further business, the meeting was adjourned at 8:25PM.

Respectfully submitted,

Jennifer M. Ginter  
Secretary-Clerk