

Town of Murray
Zoning Board of Appeals
3840 Fancher Road, Holley, NY 14470

MEETING DATE: April 4, 2022

BOARD MEMBERS PRESENT: William Silpoch
David Leach
Gerry Rightmyer – Acting Chair

BOARD MEMBERS EXCUSED: Eric Collyer

CODE ENFORCEMENT OFFICER: Mylynda Kuba

APPLICANT PRESENT: Mitchell Kime

RE: Appeal No. 2022-01
Kime
3257 Fancher Road
Tax id# 64.-2-43

Pledge of Allegiance

Mr. Silpoch made a motion to start the meeting; Seconded by Mr. Leach. All “Ayes” motion approved.

Mr. Silpoch made a motion to approve the minutes from November 10, 2021; Seconded by Mr. Leach. All “Ayes” motion approved.

Mr. Rightmyer made a motion to open the public hearing for Mitchell Kime; Seconded by Mr. Leach. All “Ayes” motion approved.

Legal Notice that was published in the Batavia Dailey News, March 29, 2022 .

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Murray will hold a public hearing on Monday April 4, 2022 at 7:00 P.M. at the Murray Town Hall, 3840 Fancher Road, Holley, New York for an Area Variance application of Mitchell Kime (“Applicant”) 3257 Fancher Road Albion, NY, tax map parcel 64.-2-43 in the Residential/ Agricultural (RA) zoning district. Pursuant to the Town of Murray District Regulations Sections 415 #2 the proposed project does not meet the Murray Zoning Law. All persons desiring to be heard in favor of or in opposition to this application will be heard at this public hearing. A copy of the application and supporting materials is on file and available for inspection at the Murray Town Clerk’s office during regular business hours.

Kime: application for an area variance at 3257 Fancher Rd. to allow the placement of an Amish Shed closer to the side lot line that would violate the Town of Murray Zoning Code in section 415 (2).

Mr. Kime was then asked to explain the reasons he applied for an area variance. Mr. Kime explained that he needed a building to store his vehicle, tractor and motor cycle. He wanted to minimize the impact to neighbors by buying a Pre-fab Amish shed, it will be placed on the site in one day. Mr. Kime went on to say that he applied for the most extreme variance to be proactive in case there are any problems with placement

of the building. In reality it will actually be placed 7-8 feet from the property line but he has asked for 4' side lot line. Where I proposed the placement of the structure is the most practical. I will be utilizing an existing 14'x 14' concrete pad for the half apron for the front of building. The building will be 14'x36' with vinyl siding and a metal roof, it will be placed on crush and run stone compacted and leveled.

The five questions that need to be answered for the Area Variance:

1. Explain why the area variance, if granted, will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties.

Not a detriment

2. Explain why the benefit sought cannot be achieved by some feasible method other than an area variance.

No other place to put the building, septic system on other side of property

3. Explain why the magnitude of the area variance requested is not substantial.

The lot is only 82' wide and this building will not be running up to the end of the property line.

4. Explain why the area variance will not have an adverse impact on the physical or environmental conditions in the neighborhood or zoning district.

Nothing is being removed, it will just be placed on my lot.

5. Explain why the need for the area variance is not self-created.

No garage on property, need a place to store my vehicle, motorcycle and tractor

The Board discussed the side lot line variance, the character of the neighborhood, and that the proposed structure would not look out of place.

Based on these factors, Mr. Silpoch made a motion to approve the Area Variance request to allow placement of a 14'x36' Amish structure 6' from the side lot line at 3257 Fancher Road. Seconded by Mr. Rightmyer; All "Ayes" motion approved.

Mr. Silpoch made a motion to adjourn the meeting. Seconded by Mr. Leach; All "Ayes" motion approved.

Respectfully submitted

Diane Herzog

Clerk Zoning Board of Appeals

April 6, 2022