

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

MEETING DATE: December 5, 2022

BOARD MEMBERS PRESENT: William Silpoch
David Leach
Eric Collyer- Acting Chair

BOARD MEMBERS EXCUSED: Dan Seeler

CODE ENFORCEMENT OFFICER: Mylynda Kuba

APPLICANT PRESENT: John & Diana Grillo

OTHERS IN ATTENDANCE: Gerard & Grace Lechner

RE: Appeal No. 2022-02
Grillo
3989 Hulberton Road
Tax id# 87.-1-18.2

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 April 4, 2022; Seconded by Mr. Leach. All “Ayes” motion approved.

Mr. Silpoch made a motion to accept the resignation of Mr. Rightmyer; Seconded by Mr. Leach. All “Ayes” motion approved.

Mr. Silpoch made a motion to open the public hearing for John & Diana Grillo; Seconded by Mr. Leach. All “Ayes” motion approved.

Legal Notice that was published in the Batavia Dailey News, November 22, 2022.

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Murray will hold a public hearing on Monday December 5, 2022 at 7:00 P.M. at the Murray Town Hall, 3840 Fancher Road, Holley, New York for an Area Variance application of John and Diana Grillo (“Applicant”) 3989 Hulberton Road Holley, NY, tax map parcel 87.-1-18.2. Pursuant to the

Town of Murray Zoning Ordinance Section 510; Residential/Agricultural (RA) District Section 515 Minimum Specifications - Side Setback: 20 feet. The proposed project does not meet the Murray Zoning Ordinance. The applicant is requesting a 10-foot side setback. 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.

Grillo: application for an area variance at 3989 Hulberton Rd. to allow the placement of a 20'x14' Shed closer to the side lot line that would violate the Town of Murray Zoning Code in section 515.

Mr. & Mrs. Grillo were then asked to explain to the board the reasons why they applied for the area variance. Mr. Grillo explained that he needed more room to store his lawnmower and tractor. The house does have a 2- car garage and when they purchased the property, they also purchased a tractor from the previous owners and now would like to be able to store everything. The property drops down in the backyard and the septic is to the East of the house so the only practical place to have the shed built would be to the South of the house. They are requesting the shed to be built 10' from the side property line instead of 20' because that would be the most feasible placement. They spoke to the neighbors and the only concern they heard was from the next-door neighbor about if they were going to put lighting up on the shed. The Grillo's told the board that they would not and would like to respect their neighbor's comment.

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

Answers in italics.

- 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.**

The change being made will only affect our property as it will still be 10' away from neighboring property and there are large pine trees separating properties so privacy is still there.

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

This is the most feasible place to put a shed on the property due to the large grade in the back of the house.

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

The variance being sought is not substantial as it is only 10' difference and some zoning areas in the town only require 10' setback.

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

This variance will not cause any environmental impacts in the neighborhood. It will be a positive not adverse effect on the neighborhood as it will be designed to match the existing house.

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

The home lacks storage area and the land will require some large outdoor equipment that needs a place to store so that the garage can be freed for cars and a small work area. We feel the storage place is necessary and to make the shed look nice on the side of the house we would like it to match the front, therefore the width and the way the shed will sit needs to be closer to the property line.

Mr. Silpoch made a motion to approve the Area Variance request to allow placement of a shed 10' from the side lot line at 3989 Hulberton Road. Seconded by Mr. Collyer; All "Ayes" motion approved.

After member's voted unanimously, Mr. Silpoch made a motion to appoint Mr. Collyer as Chairman of the Zoning Board of Appeals. Seconded by Mr. Leach; 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
December 6, 2022*