



TOWN OF CHAUTAUQUA

Community Municipal Building ~ 2 Academy Street ~ Mayville, NY 14757

Phone: (716) 753-7342 ~ Fax: (716) 753-5239

June 23, 2014

We Wan Chu Cottages
Attn: Peter Wiemer
PO Box 253
Chautauqua, NY 14722

Re: Area Variance for property located at 4442 West Lake Rd., Mayville, NY 14757
County Tax Map Section 297.19 Block 1 Lot 1.

Dear Mr. Wiemer,

The Zoning Board of Appeals for the Town of Chautauqua at its June 17, 2014 meeting approved your application for an area variance. The area variance was approved for the envelope in which a Residential Structure could be built on the vacant property listed above.

With the following conditions:

- 1.) Side Yards shall be no closer than 8 feet to adjacent property lines.
- 2.) Variance on envelope is for Residential Construction only.

Any questions should be directed to the code office, 753-7342 Ext. 14.

Sincerely yours,

Troy Smith
Zoning Board of Appeals, Chairman

Sheila Hammond
Town Clerk

Enc.

C: Jeff Paddock, Code Enforcement
Dana Lundberg, Esq.

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

Applicant: **We Wan Chu Cottages, Peter Wiemer**

Appeal Concerns Property at the following address:
4442 W. Lake Rd. Mayville, NY 14757
County Tax Map Section: **297.19** Block **1** Lot **1**
Zoning District Classification: **Business District**

OFFICE USE ONLY
Application No. AV- _____
Date of Application: _____ (Postmarked or Hand Delivered)
Date of Public Hearing: _____
Date Notice Published: _____
Date of County Referral: _____
Date of Final Action: _____
Date of Filing of Decision with the Municipal Clerk: _____

Requirement for which Variance is Requested:
Area Variance for footprint of new building on sub-standard. 10' setback from lake, variance of 16.32 feet for building line. Side yds no closer than 8' each side.

Applicable Section(s) of Zoning Code: **143-34A (143-30A,B,C)**

TEST: No area variance will be granted without a consideration by the board of the following factors:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes No
Reasons: **Structures already exist in this area. Community already comprised of condominiums and rental cottages**

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes No
Reasons: **No other lot to build exists**

3. Whether the requested variance is substantial: Yes No
Reasons: **request is for building line-No additional land available for purchase**

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes No
Reasons: **Area is already comprised of lakefront community with condominiums and cottages**

5. Whether the alleged difficulty was self-created: Yes No
Reasons **Request for variance is because owner wishes to sell property & and allow prospective purchasers to build**

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons

The ZBA further finds that variances of **16.32'(Building Line), 10'(Front Yd setback), 9'(Side yd setback)** from Sections **143-34A (143-30A,B,C)** of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: **Envelope is approved for Residential Use only**
Adverse impact to be minimized **Commercial use will require different setbacks**

Condition No. 2: **Side yards shall have no less than 8' setback**
Adverse impact to be minimized:

Condition No. 3: **No infringement shall be made on the existing sewer easement as depicted in the survey by Steven Carlson dated April 29, 2014 and updated May 15, 2014**
Adverse impact to be minimized:

Troy Smith¹⁶⁶ 4/23/14
Chairman, Zoning Board of Appeals Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Troy Smith</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member	<u>Rick Syper</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member	<u>Stan Marshaus</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member	<u>Charles Krause</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member	<u>Roberta Tenpas</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>