

Present: David Blakeley, Chairperson
Jerome Collins
Stephen Delzer
Michael E. Stegmeier, ZBA Secretary

Absent: Narletta Kaul, ZBA Member
Adam Dickman, ZBA Member
Jeff Simme, Building Inspector
Jeff Stribing, Community Development Director

Documents: Petition 11/19/12
Notice published in Lancaster Bee
Correspondence from Property Owner
Notice of Violation / Order to Remedy
Survey

David Stypa 31 Ashley Drive Lancaster, NY RE: 31 Ashley Drive

Meeting was called to order at 7:15 p.m. by Chairman Blakeley in the Council Chambers of the Lancaster Municipal Building, 5423 Broadway, Lancaster, New York.

The following excerpt is the public notice as published in the Lancaster Bee:

Please take notice that the Zoning Board of Appeals of the Village of Lancaster, New York will hold a public hearing in the Council Chambers of the Municipal Building at 5423 Broadway, Lancaster, New York, on Thursday, January 3, 2013, at 7:15 p.m.

The purpose of this hearing is to consider the request from David Stypa, petitioner and property owner of 31 Ashley Drive, Lancaster, NY 14086. The petitioner is seeking relief from the following Village Code with respect to a six foot high fence.

Section 76-4 Fences – Height limitations

No fence shall be more than six feet in height at the rear of homes or buildings situated in a residentially zoned district, which fence shall not extend forward of the rear building line of any existing or proposed building. No other fence or portions of a fence shall be higher than 36 inches (3 feet) in any front yard or 48 inches (4 feet) in any side yard.

Petitioner is seeking relief from the Village Code to allow an existing six foot (6') high fence to remain in a side yard. The six foot high fence exceeds the four foot maximum height allowed by Village Code for a length of 29.8 feet.

At said hearing, all persons so desiring shall have the opportunity to be heard.

*Michael E. Stegmeier
Village Clerk*

Chairman Blakeley informed those present that the Zoning Board of Appeals was established by the Village of Lancaster and shall hear and decide appeals and requests for variances from the requirements of the zoning laws. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

David Stypa – Petitioner & Property Owner: He is requesting the variance for security reasons. There was a home invasion at his property a few years ago. A four foot (4') high fence is not adequate to keep trespassers off the property. He indicated that his neighbors do not have a problem with the fence. He also owns a recreational vehicle (RV) that needs to be kept behind the fence line.

David Blakeley: He clarified that the fence currently has a gate.

Stephen Delzer: He indicated that the prior existing fence line was located at the back corner of the original house. An addition to the home caused the area where the fence is located to be considered a side yard.

Jerome Collins: He questioned the type of lock that is on the gate.

Mr. Stypa stated that there is only a latch on the gate and not a padlock. It is accessible for emergency situations.

Mr. Delzer commented that a boat in the driveway and the RV must be stored behind the fence to comply with the zoning ordinance.

Audience Participation:

-none-

MOTIONS:

Motion made by **Jerome Collins** and seconded by **Stephen Delzer** to adjourn the meeting at 7:24 p.m.

Ayes: D. Blakeley, J. Collins, and S. Delzer

Nays: -none-

Motion Carried (3-0)

Motion made by **Stephen Delzer** and seconded by **Jerome Collins** to approve the request for variance as presented.

Ayes: D. Blakeley, J. Collins, and S. Delzer

Nays: -none-

Motion Carried (3-0)

Respectfully submitted,



Michael E. Stegmeier
Village Clerk & Treasurer
Secretary to Zoning Board of Appeals

- c: Village Board of Trustees
Zoning Board of Appeals
Arthur A. Herdzik, Village Attorney
Jeff Simme, Building Inspector
Jeff Stribing, Community Development Director
David Stypa, Property Owner & Petitioner