

**VILLAGE OF ELLICOTTVILLE
ZONING BOARD OF APPEALS
MEETING MINUTES APRIL 7, 2026**

PRESENT: Harry Weissman, Chairman
Daniel Mergenhagen, Member
Anne Northrup, Member
Michael Painter, Member
Lisa Saunders, Member

ALSO PRESENT: Gregory Keyser-Village Planner, Kelly Fredrickson-CEO, Aaron Tiller-Architect, Jennifer Courtney-Applicant

Mr. Harry Weissman, Chairman, called the meeting to order at 5:30 p.m. and presented the agenda with one public hearing and two applications.

Mr. Weissman opened the public hearing for VZP-2026-08, 41 Monroe Street, Ron Divers area variance requests to the front yard and side yard setbacks to allow the construction of a new wrap-around front porch and a two-story 16 foot by 20 foot rear addition.

He asked for questions or comments from the people attending.

Mr. Greg Keyser advised that one comment was received in response to the public hearing notice which was published in accordance with local law. He read the email from Bill and Marlene Hansen at 40 Monroe Street who are in favor of the proposed renovations.

Mr. Weissman suggested that the public hearing be left open in case someone comes in to comment.

Mr. Weissman presented VZP-2026-14, 16 Mechanic Street, Jennifer Courtney. Variance requests from the minimum side yard setback, total side yard setback and minimum front yard setback for the expansion of a non-conforming single-family residence.

Ms. Courtney advised that in 2023 she requested and was granted area variances to renovate the L-shaped house with an addition in the front and a front porch to extend across the front of the structure. This work was not done and now the family needs to change the plans to add a second story to the whole house which will have 9 foot ceilings. The addition in the front will not be included. The existing frontprint will not change. The house will be gray with black trim to match the renovation of the barn.

Mr. Keyser presented his staff report including the requested variance for the expansion of a non-conforming building:

1. Section 3A.2.C.2-Side Yards. Requirement: The minimum side yard for any structure is 10 feet. The existing structure is 8 feet from the south property line.
Proposed: 8 feet from the south property line for the renovation plans including

raising the building's roofline, expanding the second floor and extending the front porch along the front facade.

Variance: 2 feet or 20% relief from the minimum requirement.

2. Section 3A.2.C.2- Side Yard. Requirement: The total side yard for any structure is 30 feet. The existing structure has a total side yard setback of 24 feet.

Proposed: 24 feet for the renovation plans including raising the building roofline, constructing an addition to expand the second floor and extending the front porch along the front facade. Variance: 6 feet or 26% relief from the minimum requirement.

3. Section 3A.2.C.4- Front Yard. Requirement: The minimum depth of the front yard for all main buildings is 25 feet. The existing structure has a front yard setback of 17 feet 6 inches.

Proposed: 17 feet 6 inches for the renovation plans including raising the building's roofline, constructing an addition to expand the second floor and extending the front porch along the front facade.

Variance: 7 feet 6 inches or 30% relief from the minimum requirement.

Mr. Weissman noted that the requested variances are the same as the ones requested and granted in 2023.

Mr. Keyser stated that those variances have expired.

Ms. Saunders asked about the height with the second story? Will it be a more imposing structure?

Mr. Mergenhagen asked will it be higher than the neighboring houses?

Ms. Northrup noted that the existing height is 22 feet and the proposed height is 24 feet.

Mr. Keyser noted that the zoning measures the roofline half way between the peak and eaves.

Ms. Saunders said we need to know what it will look like. What is the height to the peak and what is the height of the neighboring houses to the peak.

Mr. Fredrickson noted that the first floor height is not changing. He can provide the information on the height of the peaks.

Mr. Weissman asked is it a complete application if we do not have height comparisons with the neighboring houses? It is between two non-conforming structures. Can we set a public hearing for the May meeting contingent upon receipt of additional information?

Mr. Keyser stated the project meets the criteria for a Type 2 Action under 617.5(c)(11) and 617.5(c)(17), as it involves the area variance for a single family dwelling expansion. No significant adverse impacts are anticipated and no further SEQR review is required. The ZBA should classify the project as a Type 2 Action before acting on the variance request.

Moved by Ms. Northrup to classify the project as a Type 2 Action under 617.5(c)(11) and 617.5(c)(17), as it involves the area variance for a single family dwelling

expansion. No further SEQR review is required. Seconded Ms. Saunders. Ayes all. Carried.

Moved by Mr. Weissman to set a public hearing for VZP-2026-14, 16 Mechanic Street, Jennifer Courtney, area variance requests from the minimum side yard, total side yard and front yard setbacks for May 5, 2026 at 5:30 p.m. Seconded by Ms. Northrup. Ayes all. Carried.

Moved by Mr. Weissman to close the public hearing for VZP-2026-08, 41 Monroe Street, Ron Divers, area variance requests from the minimum front yard, side yard and total side yard setbacks for the expansion of an existing single-family dwelling. Seconded by Ms. Saunders. Ayes all. Carried.

Mr. Weissman presented VZP-2026-08, 41 Monroe Street, Ron Divers, area variance requests for discussion.

Mr. Keyser advised that the Village Planning Board reviewed the project for Architectural Design and Site Plan and had no issues with the project. The Cattaraugus County Planning Board reviewed and approved the project.

Mr. Weissman advised that the ZBA must take into consideration the benefit to the applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood or community if the variance was granted. In making this determination the ZBA must consider the five balancing tests:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.**

Staff comment: The applicant suggests that no undesirable change will occur because the proposal matches existing house setbacks.

- 2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.**

Staff comment: There does not appear to be any other alternative options under the Village Zoning Law that wouldn't require a variance.

- 3. Whether the requested area variance is substantial.**

Staff Comment: The requested relief for the side yard is 0.6 feet or 6% and appears to be insubstantial unless the Planning Board determines the architectural design conflicts with the house or neighborhood. The requested relief for the total side yard is 9.4 feet or 31% and appears to be moderate. The ZBA should consider whether a wrap-around porch will make the house look cramped on the lot. The requested relief for the front yard is 12.8 feet or 48% and appears to be significant. The ZBA should consider if the proposed porch will disrupt front building lines of the street.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Staff Comment: The proposed project meets the criteria for a Type 2 Action under 'SEQR. This signifies that the project is not anticipated to have adverse effects or impacts.

5. Whether the alleged difficulty was self created, which consideration shall be relevant to the decision of the ZA, but shall not necessarily preclude the granting of the variance.

Staff Comment: The alleged difficulty appears to be self-created.

Zoning Board members agreed with the analysis of the five balancing tests.

Moved by Ms. Northrup that based on its review of the Balancing Tests, the Zoning Board of Appeals finds that the benefit to the applicant outweighs any detriment to the health, safety or welfare of the neighborhood or community and grants the 0.6 foot variance to the side yard setback, 9.4 foot variance to the total side yard setback and 12.2 foot variance to the front yard setback to allow the construction of 16 foot by 20 foot addition and new wrap-around porch at 41 Monroe Street as per materials in VZP-2026-08 submitted by Ron Divers. Seconded Mr. Painter. Ayes all. Carried.

The Minutes of the March 3, 2026 meeting were read.

Moved by Ms. Northrup to approve the Minutes of the March 3, 2026 meeting as read. Seconded by Ms. Saunders. Ayes all. Carried.

Mr. Keyser advised that the Southern Tier West Government Conference is June 4, 2026 at Houghton University. Board members should register through Amy Hayward, Village Clerk.

Moved by Ms. Northrup to adjourn. Seconded by Ms. Saunders. Ayes all. Carried.

The meeting was adjourned at 6:00 p.m.