

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Applicant: DAVID VALLONE

Appeal Concerns Property at the following address: _____

13781 Schaug Rd
SA, New York

OFFICE USE ONLY:	
Application No. AV -	<u>6-2026</u>
Date of Application:	<u>9/9/26</u>
(Postmarked or Hand Delivered)	
Date of Public Hearing:	<u>10/7/26</u>
Date Notice Published:	<u>9/23/26</u>
Date of County Referral:	<u>no</u>
Date of Final Action:	_____
Date or Filing of Decision with the Municipal Clerk:	<u>10/8/26</u>

County Tax Map (S.B.L.) - Section: 179 Block: 00 Lot: 2-8

2 Zoning District Classification: 210-1 Family Res.

Requirements for which Variance is Requested: Back Build front setback

Applicable Section of Zoning Code(s): 200-22

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:

(Will this change make the neighborhood look or feel worse, or hurt nearby homes or properties?)

Yes _____ No X

Reason: likely no one would perceive the setback issue

- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance.

AREA VARIANCE FINDINGS & DECISION

(Is there a realistic alternative (like changing the design, moving the building, making it smaller, or using a different layout) that would follow the current code?)

Yes _____ No X

Reason: Without changing the size of the
basin, the swale / pond / property features
would make it cost prohibitive

3) Whether the requested variance is substantial.

(Is the change the applicant is asking for significant? How far are you trying to bend the zoning limits?)

Yes _____ No X

Reason: Setback is very minimal (only a few feet)
& only 1 side

4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

(Will this change negatively impact the environment or damage the physical conditions in the area...such as traffic, drainage, noise, air, or natural features?)

Yes _____ No X

Reason: Unlikely any negative impact.

5) Whether the alleged difficulty was self-created?

(Did the applicant cause the issue? The issue is a result of action(s) by the applicant, not a result of something beyond the applicant's control.)

Yes X No _____

AREA VARIANCE FINDINGS & DECISION

Reason: _____

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: Little to no impact

The ZBA further finds that a variance of feautage from Section _____ 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 because:

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: N/A

AREA VARIANCE FINDINGS & DECISION

Adverse impact to be minimized: _____

Condition No. 2: N/A

Adverse impact to be minimized: _____

Zoning Board of Appeals Chairman: Ed Wilkosh Date: 10-7-26

RECORD OF VOTE

MEMBER NAME	AYE	NAY	SIGNATURE
ZBA Chair <u>Ed Wilkosh</u>	<u>X</u>		<u>[Signature]</u>
ZBA Member <u>Mark Gertler</u>	<u>X</u>		<u>[Signature]</u>
ZBA Member <u>Russ Clothier</u>	<u>X</u>		<u>[Signature]</u>
ZBA Member <u>Tom Carroll</u>	<u>X</u>		<u>[Signature]</u>
ZBA Member _____			

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Applicant: PAUL & YENA VALLON

Appeal Concerns Property at the following address: _____

17701 E CHANDLER

County Tax Map (S.B.L.) - Section: 12900 Block: 12 Lot: 8

Zoning District Classification: 210-1 Family Res

Requirements for which Variance is Requested: FOR ACHDND ACCESSORY ZONING

Applicable Section of Zoning Code(s): 100 22 6-2006

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:

(Will this change make the neighborhood look or feel worse, or hurt nearby homes or properties?)

Yes _____ No X

Reason: _____

- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance. N

AREA VARIANCE FINDINGS & DECISION

(Is there a realistic alternative (like changing the design, moving the building, making it smaller, or using a different layout) that would follow the current code?)

Yes _____ No 0

Reason: _____

3) Whether the requested variance is substantial.

(Is the change the applicant is asking for significant? How far are you trying to bend the zoning limits?)

Yes _____ No X

Reason: _____

4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

(Will this change negatively impact the environment or damage the physical conditions in the area...such as traffic, drainage, noise, air, or natural features?)

Yes _____ No X

Reason: _____

5) Whether the alleged difficulty was self-created?

(Did the applicant cause the issue? The issue is a result of action(s) by the applicant, not a result of something beyond the applicant's control.)

Yes X No X

AREA VARIANCE FINDINGS & DECISION

Reason: _____

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: NO DETRIMENT

The ZBA further finds that a variance of 200 from Section 22 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 because:

BENEFIT TO APPLICANT OUTWEIGHS DETRIMENT

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: _____

AREA VARIANCE FINDINGS & DECISION

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

Zoning Board of Appeals Chairman: _____ Date: _____

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RECORD OF VOTE

<u>MEMBER NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>SIGNATURE</u>
ZBA Chair _____	_____	_____	_____
ZBA Member <u>JAMES CORRELL</u>	<u>X</u>	_____	<u>[Signature]</u>
ZBA Member _____	_____	_____	_____
ZBA Member _____	_____	_____	_____
ZBA Member _____	_____	_____	_____

TOWN OF WALES - ZONING BOARD OF APPEALS

AREA VARIANCE FINDINGS & DECISION

Applicant: David Vallone

Appeal Concerns Property at the following address: _____

13781 Schang Rd.

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

County Tax Map (S.B.L.) - Section: 179.00 Block: _____ Lot: _____

Zoning District Classification: 210-1 Family Res

Requirements for which Variance is Requested: 200-D2 M.B. Area Varying 6-2026

Applicable Section of Zoning Code(s): 200-D2 M.B.

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:

(Will this change make the neighborhood look or feel worse, or hurt nearby homes or properties?)

Yes _____ No X

Reason: 90 plus feet off road and building size and style lot area.

- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance.

AREA VARIANCE FINDINGS & DECISION

(Is there a realistic alternative (like changing the design, moving the building, making it smaller, or using a different layout) that would follow the current code?)

Yes _____ No X

Reason: Due to Existing Land Features and
Pond.

3) Whether the requested variance is substantial.

(Is the change the applicant is asking for significant? How far are you trying to bend the zoning limits?)

Yes _____ No X

Reason: Location is only a few feet in front
of the main house which is some distance
Away.

4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

(Will this change negatively impact the environment or damage the physical conditions in the area...such as traffic, drainage, noise, air, or natural features?)

Yes _____ No X

Reason: Fits perfectly with area

5) Whether the alleged difficulty was self-created?

(Did the applicant cause the issue? The issue is a result of action(s) by the applicant, not a result of something beyond the applicant's control.)

Yes X No _____

AREA VARIANCE FINDINGS & DECISION

Reason: All Variances are

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: No Detriment

The ZBA further finds that a variance of 200 from Section 22 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 because:

Benefit to Applicant far outweighs and
impact

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: _____

AREA VARIANCE FINDINGS & DECISION

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

Zoning Board of Appeals Chairman: _____ Date: _____

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RECORD OF VOTE

<u>MEMBER NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>SIGNATURE</u>
ZBA Chair _____	_____	_____	_____
ZBA Member <u>Mark G. Fisher</u>	<u>+</u>	_____	<u>[Signature]</u>
ZBA Member _____	_____	_____	_____
ZBA Member _____	_____	_____	_____
ZBA Member _____	_____	_____	_____

AREA VARIANCE FINDINGS & DECISION

Applicant: DAVID VALLONEAppeal Concerns Property at the following address: _____

_____**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 or Filing of Decision with the Municipal Clerk: _____

County Tax Map (S.B.L.) - Section: _____ Block: _____ Lot: _____

Zoning District Classification: 210-1 Family Res.

_____Requirements for which Variance is Requested: _____

_____Applicable Section of Zoning Code(s): _____

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:

*(Will this change make the neighborhood look or feel worse, or hurt nearby homes or properties?)*Yes _____ No XReason: FITS THE CHARACTER OF NEIGHBORHOOD

- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance.

AREA VARIANCE FINDINGS & DECISION

(Is there a realistic alternative (like changing the design, moving the building, making it smaller, or using a different layout) that would follow the current code?)

Yes _____ No X

Reason: LOT LAYOUT AND POND DO NOT PROVIDE
OTHER OPTIONS

3) Whether the requested variance is substantial.

(Is the change the applicant is asking for significant? How far are you trying to bend the zoning limits?)

Yes _____ No X

Reason: IT'S ONLY ONE CORNER

4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

(Will this change negatively impact the environment or damage the physical conditions in the area...such as traffic, drainage, noise, air, or natural features?)

Yes _____ No X

Reason: AGAIN IT FITS

5) Whether the alleged difficulty was self-created?

(Did the applicant cause the issue? The issue is a result of action(s) by the applicant, not a result of something beyond the applicant's control.)

Yes X No _____

AREA VARIANCE FINDINGS & DECISION

Reason: ALL ARE SELF CREATED

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: THERE IS MINIMAL TO ZERO DETRIMENT TO
NEIGHBORHOOD

The ZBA further finds that a variance of _____ from Section _____ 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 because:

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: _____

AREA VARIANCE FINDINGS & DECISION

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

Zoning Board of Appeals Chairman: _____ Date: _____

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RECORD OF VOTE

<u>MEMBER NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>SIGNATURE</u>
ZBA Chair _____	_____	_____	_____
ZBA Member <u>RUSS CLOTHIER</u>	<u>X</u>	_____	<u>[Signature]</u>
ZBA Member _____	_____	_____	_____
ZBA Member _____	_____	_____	_____
ZBA Member _____	_____	_____	_____