

**VILLAGE OF PERRY  
ZONING BOARD OF APPEALS MEETING  
APRIL 7, 2026**

Present:	Zach Kowasz	Chairperson
	George Smith	Member
	Bethany Zerbe	Member
	Meggan Quartz	Member
	Tim Hatch	Alternate
Also Present:	Christina Slusser	Zoning Secretary
	Don Roberts	ZEO
Guests:	Katy Swank	In.Site: Architecture
	Kimberly Kraft	In.Site: Architecture
	Tom Fitch (joined at 7:00pm)	Applicant
	Rick Hauser (joined at 7:15pm)	
Absent:	Joe Rebisz	Member

Chairperson, Zach Kowasz called the meeting to order at 6:30 pm and led in the Pledge of Allegiance.

**MINUTES**

MQ made a motion to approve the minutes for 10/14/2026 with a request to remove the sentence: “DR mentioned that he had a conversation with the property owner of 40 Dolbeer Street that the screen meets most of the intent but needed to be up until snow.” This motion was seconded by BZ and carried with all (MQ, BZ, ZK, GS, TH) in favor.

**PRELIMINARY REVIEW – VARIANCE FOR 3780 EUCLID AVE.**

An application was submitted by Mark J. Fitch of 3780 Euclid Ave. in Perry for a 16’ x 24’ one car garage with adjoining patio and walkway. A zoning permit was previously issued on 2/26/2026 but the proposed garage does not meet setback requirements so the applicant followed up with a variance request for relief from side setback (reduction from 5 feet to 1 ½ feet).

The property currently has a paved parking area and no garage. The setback measurements are to be taken from the furthest projection (including any overhang). The proposed building aligns with the existing house, although not the same distance from the property line. For emergency access, it was noted that it makes more sense for the garage to be shifted over, as the house is very close to the property line (about 2’). The law allows alignment with neighboring structures within 500 feet which cannot extend closer to the road than adjacent properties. In considering approval, it was noted that a condition should be set that the garage cannot be expanded to the north.

Because the property is within 500' of the Village of Perry owned recreation area at the Public Beach, county referral is required. Neighbor notifications within 200' are also required.

BZ made a motion to refer the application for a variance at 3780 Euclid Ave. to the Wyoming County Planning Board which was seconded by GS and carried with all (BZ, GS, ZK, MQ, TH) voting aye.

GZ made a motion to schedule the public hearing for the next regular meeting, May 5, 2026 and 6:30 pm which was seconded by GS and carried with all (GZ, GS, ZK, MQ, TH) voting aye.

### **PRELIMINARY REVIEW – VARIANCE FOR 55 S. MAIN STREET**

An application was submitted by 55 Main Street (Perry), LLC for property located at 55-57 S. Main Street for interior renovations and building system upgrades throughout the building to create 11 residential units and 2 new commercial tenant units; exterior improvements such as replacement windows, roof repair/replacement, new roof over entry vestibule, new storefront entry and awnings over both building access doors and miscellaneous masonry repairs. The application, which requires site plan approval and 2 variances, was referred from the Village of Perry Planning Board on 4/2/2026. This is expected to be a multi-year project.

Variance 1 is requested for the proportion of 1st floor commercial vs. residential. The law requires the first 60% be commercial. The plans are proposing approximately 49% commercial/51% residential split.

Variance 2 requests relief for the minimum square footage of unit 3 on the 1<sup>st</sup> floor to be less than 700 square feet.

On the exterior of the building, windows will be replaced and planters will be removed. All other changes will be interior renovations. The current layout includes 23 residential units ranging from 340 sq. ft. to 650 sq. ft. The proposed plans would reduce the number of units to 11 larger residential units to improve livability for long-term tenants. Two commercial tenant spaces are proposed in the front of the building facing Main Street. The smaller commercial space could be used for a private practice or consultant services for example. The residential units are not fully occupied currently.

It was pointed out that residential unit 3 is almost entirely within the 60% required commercial area. Kim Kraft of In.Site: Architecture was present to explain that due to financial reasons, plans need to maximize the number of residential units. The ZBA requested financial documentation comparing potential income from commercial versus residential space to support the requested variance. Ms. Kraft will discuss this with the building owner and request plans on rental pricing.

Alternatives were discussed, including reconfiguration to meet the 60/40 requirement or modifying unit layouts (ex. a larger, 3-bedroom unit rather than a separate smaller residential unit). Kim Kraft explained structural and mechanical constraints, including concrete slab construction and existing utility locations, adding that it would be difficult to change the layout without expensive construction costs and the belief that a 3-bedroom unit would limit the pool of interested applicants for rental.

Parking requirements were reviewed but no new parking requirements are triggered as the project is a renovation rather than new construction. Basement storage and laundry facilities are intended to remain.

The ZBA discussed the intent of the law being to have commercial space in the front and at the time of drafting the law, parameters needed to be set. The village originally wanted 100% commercial on the first floor but 60/40 was chosen. The goal is balancing economic viability while maintaining active commercial use on Main Street. If there were no open commercial spaces available on Main Street, it would make more sense to push for the commercial space. Additional justification is needed to support approval from the established commercial/residential ratio; however, the anticipated financial information is expected to assist in that determination. Wyoming County Planning Board referral is required, as the property is on Main Street, a state route. Neighbor notifications within 200' are also required.

GS made a motion to refer the application to the Wyoming County Planning Board which was seconded by BZ and carried with all (GZ, BZ, ZK, MQ, TH) voting aye.

BZ made a motion to schedule the public hearing for the next regular meeting, 5/5/2026 at 6:45 pm which was seconded by GZ and carried with all (BZ, GS, ZK, MQ, TH) in favor.

At 7:43 pm, GS made a motion to adjourn the meeting which was carried.

Respectfully submitted,  
Chrisina Slusser, Village Clerk/Zoning Secretary