

**Town of Pendleton, NY
Zoning Board of Appeals (ZBA)
Meeting Agenda – April 23, 2024
Pendleton Town Hall - 7:00 PM**

1. Public Hearings

a. Francis Matuszewski (Continued)

1389 Masters St. North Tonawanda, NY 14120

- Owner wishes to build a single family residence on SBL# 135.00-1-16 (Lockport Rd.), a 21,700 SF non-conforming lot. Town Code §247-10.C. requires lots without public sewers to be a minimum of one acre (43,560 SF) in size, 125' wide, and 250' deep. Property is 100' x 217' (0.49 acres) and zoned R-1 Residential. Total area variances sought: 17,344 lot size variance, 25' lot width variance, and a 33' lot depth variance.

a. Ken Hitzges (Continued)

6996 Monroe St., Lockport, NY 14094 (SBL# 166.01-2-7)

- Owner wishes to construct a 32' x 56' (1,792 SF) accessory structure. Town Code §247-10.E.(1) limits total square feet to 600 SF on a parcel less than 2 acres. Property is 1.62 acres and zoned R-2 Residential. Total area variance sought is 1,192 SF.

b. Lee Brenon

5470 Tonawanda Creek Rd., North Tonawanda, NY 14120

- Owner wishes to place a utility shed 10' from the property line. Town Code §247-34.F.(2)(b) requires a minimum of 15' side yard setback. Property is 0.57 acres and zoned R-2 Residential. Total relief sought: 5' side yard setback.

c. Peter Fitch Jr.

4445 Tonawanda Creek Rd., North Tonawanda, NY 14120

- Owner wishes to construct a single family home approximately 415' from the front property line. Town Code §247-10.D.(3) limits front yard setback to 250'. Property is 36.9 acres and zoned R-1 Residential. Total relief sought: 165' front yard setback.

2. Open regular meeting of ZBA

3. Changes to agenda

4. New Inquires to ZBA

5. Review minutes from prior meeting(s)

- a.** March 26, 2024 – [ZBA Minutes on Pendleton Website](#)

6. Deliberation on Hearing(s)

- a.** Matuszewski
- b.** Hitzges
- c.** Brenon
- d.** Fitch

7. Review Correspondence

- a. Shareef
- 8. Special Topics
 - a. None
- 9. Miscellaneous ZBA items:
 - a. Next Meeting/Attendance:
 - May 28, 2024 at 7:00 PM, Pendleton Town Hall.
 - b. Comments: ZBA members, Legal
- 10. Adjourn regular meeting of the ZBA

Area Variance Considerations

- 1. Benefit to applicant vs Detriment to community
- 2. Mandatory considerations:
 - a. Will the granting of the variance result in an undesirable change to the character of the neighborhood or will it be detrimental to nearby properties
 - b. Are there alternative solutions that would not require a variance
 - c. Is the requested variance substantial
 - d. Will the variance have an adverse effect on the physical or environmental conditions in the neighborhood or district
 - e. Is the applicant's difficulty self-created

Use Variance Requirements

No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

- (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4) that the alleged hardship has not been self-created.