

**Town of Pendleton, NY
Zoning Board of Appeals (ZBA)
Meeting Agenda – April 22, 2025
Pendleton Town Hall - 7:00 PM**

1. Public Hearings

a. Devon Hope

7283 Creekbend Dr. North Tonawanda, NY 14120.

Owner wishes to construct a 17' x 24' (408 SF) addition to an existing garage and place it 10' from side property line. Town Code 247-11E allows for a minimum of 15' side yard setback. There is also a 10' drainage easement along the north property line. Property is zoned R-2 Residential and irregularly shaped. Total relief sought: 5' side yard setback variance.

b. Salvatore Mattina

5821 Dunnigan Rd., Lockport, NY. 14094.

Owner wishes to construct a 12' x 28' (336 SF) accessory structure and place it 100' from the front property line. Town Code 247—34F(2)(a) allows for a minimum of 150' front yard setback measured from the Right of Way. Property is zoned R-2 Residential and 300' x 774' (5.33 acres) in size. Total relief sought: minimally 50' front yard setback variance.

c. Greg & Susan Lambros

4999 Tonawanda Creek. North Tonawanda, NY 14120.

Owner wishes to construct an addition to an existing garage and place it 11' 3" from side property line. Town Code 247-11E allows for a minimum of 15' side yard setback. Property is zoned R-2 Residential and 100' x 350' (0.8 acres) in size. Total relief sought: 3' 9" side yard setback variance.

2. Open regular meeting of ZBA

3. Changes to agenda

4. New Inquires to ZBA

a. Acker - Motion to Reconsider – 6555 Campbell Blvd

5. Review minutes from prior meeting(s)

a. February 25, 2025

6. Deliberation on Hearing(s)

a. Hope

b. Mattina

c. Lambros

7. Review Correspondence

8. Special Topics

9. Miscellaneous ZBA items:

a. Next Meeting/Attendance:

May 27, 2025 at 7:00 PM, Pendleton Town Hall.

b. Comments: ZBA members, Legal, Building Dept.

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.