

**Town of Pendleton, NY  
Zoning Board of Appeals (ZBA)  
Meeting Agenda – May 27, 2025  
Pendleton Town Hall - 7:00 PM**

1. Public Hearings

a. Devon & Kimberly Hope

***7283 Creekbend Dr. North Tonawanda, NY 14120.***

Owner wishes to construct a 20' x 24' (480 SF) accessory structure and place it 10' from side property line. Owner is also seeking a 30' front yard setback variance (subject to confirmation of the official front yard designation). Town Code 247-11E allows for a minimum of 15' side yard setback and Town Code 247-34F(2)(a) requires a minimum of 150' front yard setback for accessory structures measured from the Right of Way. Property is zoned R-2 Residential and irregularly shaped. Total relief sought: 5' side yard setback variance and 30' front yard setback variance.

b. Rodney Phillips (Owner)/David Bratek (Authorized Representative)

***4629 Meyer Rd., N. Tonawanda, NY 14120.***

Owner wishes to split parcel 149.00-4-30.12 into two parcels to facilitate the construction of a single-family home. Town Code requires a lot size for a single-family detached home to have a minimum width of 100' and a minimum depth of 250'. There is a 15' sewer easement on the property, therefore, the minimum depth of the proposed lot must be 265'. The proposed lot size is 110' x 255.87, which will require a 9.13' depth variance. Property is zoned R-2 Residential and irregularly shaped. Total relief sought 9.13 property depth variance.

c. Lauren Molloy

***6679 East Canal Rd. Lockport, NY. 14094.***

Owner wishes to construct a 30' x 40' (1,200 SF) accessory structure to be erected 58' from the front property line. Town Code 247-34F(3)(a) requires a minimum front yard setback of 150'. Property is zoned R-2 Residential, 549' x 228' (2.12 acres) in size, and irregularly shaped. Total relief sought is minimally 92' front yard setback variance (pending confirmation of Right of Way).

d. Greg & Susan Lambros

***4999 Tonawanda Creek Rd., N. Tonawanda, NY. 14120.***

Owner wishes to add an addition onto an existing attached garage. This addition would bring the front corner to within 8' 2" of the side property line. Town Code 247-11E requires a minimum side yard setback of 15'. Property is zoned R-2 Residential and 100' x 350' (0.80 acres) in size. Total relief sought: 6' 10" side yard setback variance.

e. Dale Acker

**6555 Campbell Blvd. Lockport, NY. 14094.**

Owner wishes to construct a 12' x 20' (240 SF) accessory structure and place it 10' from the side property line. Town Code 247-34F(2)(b) allows for a minimum of 15' side yard setback. Property is zoned R-2 Residential and 100' x 516' (1.18 acres) in size. Total relief sought: 5' side yard distance variance. **Note: this is an approved re-hearing of a previously determined matter and will require a unanimous vote of all ZBA members in attendance to alter the previous ruling.**

f. Joe & Julie Snyder

**6600 West Canal Rd. Lockport, NY. 14094.**

Owner has begun to construct a single-family home on parcel 150.00-2-23.12 and was cited with a Stop Work Order on 4/23/25 after it was determined Owner did not meet minimum setback requirements contained in Town Code 247-11D(1) and 247-26. The codes require 60' distance from front property line on both West Canal & Bear Ridge Rd. Owner is requesting 20 feet of relief from both roads, reducing the setback to 40', where the home is currently standing. Property is zoned R-2 Residential, 295' x 223' (1.51 acres). Total relief sought: Two (2) 20' distance variances.

2. Open regular meeting of ZBA
3. Changes to agenda
4. New Inquires to ZBA
5. Review minutes from prior meeting(s)
  - a. April 22, 2025
6. Deliberation on Hearing(s)
  - a. Hope
  - b. Phillips/Bratek
  - c. Molloy
  - d. Lambros
  - e. Acker
  - f. Snyder
7. Review Correspondence
8. Special Topics
9. Miscellaneous ZBA items:
  - a. Next Meeting/Attendance:

June 24, 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.