

**ZONING BOARD OF APPEALS OF THE TOWN OF ORCHARD PARK**, Erie County, New York, minutes of the Orchard Park July 18, 2023, meeting held in the Town of Orchard Park Community Activity Center, 4520 California Road.

MEMBERS PRESENT: Lauren Kaczor Rodo, Chairwoman  
Robert Lennartz  
Dwight Mateer  
Robert Metz  
Michael Williams, Alternate

EXCUSED: Kim Bowers

OTHERS PRESENT: John C. Bailey, Deputy Town Attorney  
John Wittmann, Code Enforcement Officer  
Anna Worang-Zizzi, Recording Secretary

The Chair stated that Mr. Williams would be a voting member for tonight's meeting.

The Chair called the meeting to order at 7:00 P.M., stating that if anyone appearing before the Board was related through family, financial or a business relationship with any member of the Board, it is incumbent upon him to make it known under State Law and the Town Code of Ethics.

The Chair stated that all persons making an appeal before this Board would be heard in accordance with the Town Laws of the State of New York, Article 16, Sections 267, 279 and 280a, Subdivision 3, and the Town of Orchard Park Zoning Ordinance. Per Section 144-63 (E) (1) All public notices have been filed. Any person aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal, specifying the grounds of the illegality. Such petition must be presented to the court within 30-days after filing of the decision in the office of the Town Clerk.

#### **APPROVAL OF MINUTES:**

The minutes for June 2023 were approved unanimously.

The Chair stated that Site Inspections of all cases presented tonight were made by:

**MATEER, AYE / LENNARTZ, AYE / METZ, AYE / WILLIAMS, AYE / RODO, AYE**

#### **NEW BUISINESS**

1. ZBA File# 19-23, Edward Hinman, 6162 Abbott Road, Zoned A-1, SBL# 196.02-3-5, (Part of Lot 35, Township 9, Range 7). Requests an Area Variance to construct a 64 foot by 40 foot garage type barn that exceeds the footprint of the house by 887 square feet. *A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such "accessory use" dominate, in area, extent or purpose, the principal lawful use or building, except that vehicle parking areas may be larger than building area, §144-5 Accessory use terms defined.*

APPEARANCE: *Edward Hinman – Owner*

The Applicant explained that he wants to consolidate storage. They plan to store classic cars, trailers etc.

Mr. Mateer inquired if the Applicant had spoken to any neighbors. The Applicant stated he had and there were no concerns.

Mr. Mateer inquired if a business would operate out of this location. The Applicant stated there would not.

Mr. Lennartz inquired if the Applicant was planning on keeping the shed. The Applicant replied positively.

Mr. Williams established with the Applicant that the garage would match the house.

The Chair inquired about the possibility of removing the shed if the Variance was granted. The Applicant stated he would prefer to keep it.

The Chair then asked if there was anyone in the audience who would wish to speak in favor of the granting of the Variance.

(Twice) NO RESPONSE

The Chair then asked if there was anyone in the audience who would wish to speak against the granting of the Variance.

(Twice) NO RESPONSE

The Chair then asked if the Secretary had received any communications either for, or against, granting the Variance. The Secretary stated there had not.

#### BOARD DISCUSSION:

Mr. Metz was in favor of the project. Mr. Lennartz concurred.

Mr. Williams established the placement of the driveway with the Applicant.

Mr. Mateer would prefer the garage to be smaller.

The Chair would prefer the shed to be removed.

Mr. Metz made a **MOTION**, seconded by Mr. Lennartz, to **GRANT** the Area Variance based on the following:

1. Per Section 144-63 (E) (1) All public notices have been filed.
2. There will not be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.
3. The benefit sought cannot be achieved in another way, other than the granting of the Variance.
4. The request is not substantial.
5. There will not be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
6. The difficulty is self-created, however that does not preclude the granting of the Variance.

## THE VOTE ON THE MOTION BEING:

LENNARTZ	AYE
METZ	AYE
MATEER	NO
WILLIAMS	AYE
RODO	NO

The Motion being **THREE (3)** in favor and **TWO (2)** opposed, the Motion to **GRANT** the Variance is **PASSED**.

2. ZBA File# 20-23, Mark Williams, 39 Golden Crescent Way, Zoned R-3, SBL# 161.15-1-30, (Sub lot 13, Map Cover 3472). Requests an Area Variance to have a 16 foot x 12 foot storage building 5 feet from the side lot line. *Minimum side yard setback in an R-3 Zone is 15 feet, §144 Attachment 15 Schedule of Height, Lot, Yard, and Bulk Regulations.*

Mr. Williams recused himself from this case and the Chair offered the Applicant the option of tabling this review until a full board was present. The Applicant preferred to proceed.

APPEARANCE: *Mark Williams – Owner*

The Applicant explained the project. He stated he wishes to avoid impeding the view from his morning room. He is also intending to put in a pool and in order to meet the code for that project he wants to preserve as much yard space as possible. He stated he had submitted several letters of support from neighbors.

Mr. Lennartz inquired about the high fence in place. The Applicant stated that the fence was high on the sides, but was lower and of a see-through variety in the rear, allowing for the mentioned view.

Mr. Metz inquired if the fence was on the property line. The Applicant stated that it was 1 foot off.

The Chair inquired if a business would operate out of the site. The Applicant answered negatively.

Mr. Lennartz inquired about the potential for moving it over. The Applicant would prefer not to.

The Chair then asked if there was anyone in the audience who would wish to speak in favor of the granting of the Variance.

(Twice) NO RESPONSE

The Chair then asked if there was anyone in the audience who would wish to speak against the granting of the Variance.

(Twice) NO RESPONSE

The Chair then asked if the Secretary had received any communications either for, or against, granting the Variance. The Secretary stated there had not.

## BOARD DISCUSSION:

Mr. Mateer feels that due to the narrow lot, the backyard has limited usable space. He feels it is an understandable request.

Mr. Metz was not opposed. Mr. Lennartz was in agreement.

The Chair would prefer a setback of 6 feet.

Mr. Mateer made a **MOTION**, seconded by Mr. Metz, to **GRANT** the Area Variance based on the following:

1. Per Section 144-63 (E) (1) All public notices have been filed.
2. There will not be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.
3. The benefit sought cannot be achieved in another way, other than the granting of the Variance.
4. The request is not substantial.
5. There will not be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
6. The difficulty is self-created, however that does not preclude the granting of the Variance.

THE VOTE ON THE MOTION BEING:

LENNARTZ	AYE
METZ	AYE
MATEER	AYE
WILLIAMS	recused
RODO	NO

The Motion being **THREE (3)** in favor, **ONE (1)** opposed and **ONE (1)** recused, the Motion to **GRANT** the Variance is **PASSED**.

3. ZBA File# 21-23, Ellicott Development, 4297 Abbott Road, Zoned B-2, SBL# 172.05-1-1.1 (Part of Farm Lot 39, Township 9, Range 7). Requests 2 Area Variances. The first Variance is for the entranceway of the automotive service station to be 87.75 feet to the nearest residential zone. *Location of exits and entrances. No automotive service station shall have an entrance or exit for vehicles within 300 feet, as measured along the right-of-way, of an existing school, public playground, church, chapel, convent, hospital, public library or any residential district. Such access shall be not closer to any intersection than 30 feet, §144-29C(2)*. The second Variance is for front yard parking. *Vehicle parking shall be prohibited in the front yard of B Commercial or in any area set forward of a building when the majority of the building front is at a greater setback than the front line of the building, §144-29A(4)*.

APPEARANCE: Sean Hopkins – Attorney  
 Jeremy Wassel – Ellicott Development Representative  
 Paul Gregory – Ellicott Development Representative  
 Steven Reid – Crosby’s representative  
 Michael Mahar – Crosby’s Representative

The Applicant explained the project and distributed a Power Point presentation. He established that the project will be located 4297 and 4309 Abbott Road. He stated the site is approximately 1.2 acres, located at the intersection of Big Tree Road and Abbott Road, Zoned B-2, and they are proposing a Crosby’s convenience store. He

noted that the B-2 zone allows a wide variety of uses, however the limits on driveways next to a residential zone only apply to automotive stations. He explained parking and the Site Plan. He stated they are providing extensive greenspace. He noted this project will require Site Plan Approval and review by the Conservation Board.

Mr. Metz inquired about a lot directly to the East this site and if it was owned by the Applicant. Mr. Hopkins stated they did own that and there are no immediate plans for it.

Mr. Hopkins discussed a single family home. He stated they welcome the input of that neighbor in terms of screening. He stated that they will submit to the Planning Board a Photometric Plan during the Site Plan review process. All light will be dark sky compliant and he assured the Board and Neighbors that there will be no light spillover from this site.

They are proposing one curb cut on Abbott Road and one on Big Tree Road. He stated they could move those closer to the intersection, thereby limiting the proximity to Residential Districts, however, they believe the option they are presenting is safer. He noted this project is a relatively low traffic generator. He discussed color renderings.

Mr. Metz inquired about a drive through on the plans. Mr. Reid explained that Crosby's would be offering a limited menu, quick service, food service within the convenience store. Mr. Metz inquired about the cue. The Applicant stated there would be a minimum of four stalls, and they don't believe there would be a large amount of stacking at this site.

Mr. Hopkins stated that limited front yard parking was necessary for a convenience store for safety and security. He believes that the "balancing test" that the Zoning Board of Appeals must consider is in their favor. He also believes that this project is an improvement to the Site.

Mr. Mateer inquired if the planned front yard fence and dumpster enclosure would require Variances. He inquired about the previous use of this site and the number of front yard parking spots.

The Applicant stated they would step down the fence, and he was unsure if the dumpster enclosure would need a Variance, however they would return for that if necessary. Mr. Hopkins stated that at one point a house was located at this site which was in poor condition and was demolished. More recently the site has had a tent for events. It was established they are requesting 23 parking spots, the majority of which would be considered front yard parking.

Mr. Metz inquired about delivery of petroleum products. The Applicant stated they would typically come in from Big Tree Road making a left into the site and exit onto Abbott Road heading north into Buffalo for reloading. Mr. Metz inquired if they would be turning onto the 219. The Applicant stated that they would not necessarily.

Mr. Lennartz inquired if the Applicant had spoken to any neighbors. Mr. Gregory stated he had spoken to Mr. Trella and the Applicant believes he is in favor of the project. Mr. Gregory feels there is a lack of convenience stores or service stations in this area.

Mr. Hopkins stated that Crosby's is locally owned and in his opinion, has an excellent track record of being in neighborhoods.

Mr. Williams inquired about the potential to move this project to include the adjacent land owned by the Applicant. The Applicant explained that there is a driveway with an easement dedicated to Verizon.

Mr. Mateer inquired if the easement stipulated that it could not be crossed. The Applicant stated that it was possible to drive on it but no structure could be placed on it due to fiber optic cables etc. Mr. Hopkins feels that although it is possible to utilize that area as part of the parking lot, he feels that it would not change the need for the Variances.

Mr. Mateer inquired about similar convenience stores with nearby residences in Orchard Park. The Applicant stated there are commercial sites next to residential such as a medical park near the 219, however there are very limited sites on Abbott Road where an automotive station would make sense. Mr. Mateer discussed alternatives for parking with the Applicant. The Applicant feels it would be difficult to limit front yard parking and that this project would be an improvement to the site.

The Chair then asked if there was anyone in the audience who would wish to speak in favor of the granting of the Variance.

(Twice) NO RESPONSE

The Chair then asked if there was anyone in the audience who would wish to speak against the granting of the Variance.

*Gary Trella*  
*4317 Abbott Road*  
*Orchard Park, NY 14127*

Mr. Trella spoke against the project. He stated he is located 58 feet from this property. He had safety concerns and concerns related to gas deliveries.

*Bob Fessler*  
*5289 Big Tree Road*  
*Orchard Park, NY 14127*

Mr. Fessler stated his home is located five properties to the East. He has concerns related to traffic.

*Merry Wokasier*  
*3 Greenfield Street*  
*Orchard Park, NY 14127*

Ms. Wokasier had concerns about traffic.

*Mr. Mangino*  
*5087 Big Tree Road*  
*Orchard Park, NY 14127*

Mr. Mangino had concerns related to traffic.

*Patty Anderson*  
*20 Penhurst Lane*

*Orchard Park, NY 14127*

Ms. Anderson utilizes NFTA and has concerns about pedestrian safety.

The Chair then asked if the Secretary had received any communications either for, or against, granting the Variance. The Secretary stated Mr. Trella had called the Planning Board Office.

The Chair then asked if the Secretary had received any communications either for, or against, granting the Variance. The Secretary noted a phone message from Mr. Trella.

BOARD DISCUSSION:

Mr. Lennartz made a **MOTION**, seconded by Mr. Metz, to **ADJOURN** the review of this item:

THE VOTE ON THE MOTION BEING:

LENNARTZ	AYE
METZ	AYE
MATEER	AYE
WILLIAMS	AYE
RODO	AYE

The Motion being **UNANIMOUS** in favor, the Motion to **ADJOURN** is **PASSED**.

- 4. ZBA File# 23-23, Thomas Mahoney, 25 Grandview Trail, Zoned A-1, SBL# 185.17-1-9, (Sub lot 9, Map Cover 2723). Requests an Area Variance to construct a two (2) story 24 foot by 40 foot addition to the back of the house with an 85 foot rear setback. *Minimum rear setback in an A-1 Zone is 100 feet, §144 Attachment 15 Schedule of Height, Lot, Yard, and Bulk Regulations.*

APPEARANCE: *Thomas Mahoney – Owner*

The Applicant explained the project. He wishes to construct a two story addition in order to maintain privacy on his lot.

Mr. Lennartz inquired if the view in the rear would be maintained and if the Applicant had spoken to any neighbors. The Applicant stated the view would be maintained and he'd spoken to neighbors and there was no objection.

Mr. Williams established with the Applicant that the new configuration will allow for safer snow removal. The Applicant feels the addition will bring the home more in line with other homes in the neighborhood.

Mr. Metz inquired if the Applicant was adding additional garage space, or any new bedrooms or bathrooms. The Applicant stated they are adding an additional segment to the garage making it a four car garage, however one section will be set back to break it up visually. They are also adding one bathroom.

The Chair established with the Applicant that the materials of the addition would match the house.

The Chair then asked if there was anyone in the audience who would wish to speak in favor of the granting of the Variance.

(Twice) NO RESPONSE

The Chair then asked if there was anyone in the audience who would wish to speak against the granting of the Variance.

*Vishal Sharma*  
*20 Majestic View Court*  
*Orchard Park, NY 14127*

Mr. Sharma stated that he had concerns and would like to see Site Plans, Landscape Plans, a time line and information on drainage.

The Chair then asked if the Secretary had received any communications either for, or against, granting the Variance. The Secretary stated there had not.

#### BOARD DISCUSSION:

Mr. Williams recused himself due to a conflict that presented itself as this review proceeded. The Chair offered the Applicant the opportunity to adjourn this review until a full board was present. The Applicant opted to continue.

Mr. Lennartz was in favor of granting the request. He stated that although there was concern from a neighbor, the Applicant was requesting relief for a rear setback not a side setback.

Mr. Mateer inquired about the owner of the greenspace to the rear of this property. The Applicant explained that a neighbor owns the property directly behind him and the Applicant owns the next 5 acres. Both his neighbor and he own the land with the plan to maintain greenspace. Mr. Mateer does not feel it's a substantial request.

Mr. Metz was in favor.

Mr. Lennartz made a **MOTION**, seconded by Mr. Mateer, to **GRANT** the Area Variance based on the following:

1. Per Section 144-63 (E) (1) All public notices have been filed.
2. There will not be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.
3. The benefit sought cannot be achieved in another way, other than the granting of the Variance.
4. The request is not substantial.
5. There will not be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
6. The difficulty is self-created, but that does not preclude the granting of the Variance.

THE VOTE ON THE MOTION BEING:

LENNARTZ

AYE



METZ	AYE
MATEER	AYE
WILLIAMS	Recused
RODO	NO

The Motion being **THREE (3)** in favor **ONE (1)** opposed, and **ONE (1)** recused, the Motion to **GRANT** the Variance is **PASSED**.

5. ZBA File# 24-23, Kaytlyn & Tanner Gentry, 3950 North Freeman Road, Zoned R-2, SBL# 162.13-3-3, (Part of Farm Lot 8, Township 9, Range 7). Requests an Area Variance for their shed to be 4 feet off the side lot line. *Minimum side setback in an R-2 Zone is 10 feet, § 144 Attachment 14 Schedule of Height, Lot, Yard, and Bulk Regulations, Applicant has a legal non-conforming lot that allows a 9 foot side setback, §144-20A(2).*

APPEARANCE: *Kaytlyn and Tanner Gentry – Owners*

The Applicant explained that the request was actually for 5 feet from the side lot line, not 4 feet. They have a building permit, and the shed is located within the trees. The Applicant placed the shed closer to the lot line to move it away from the pool and to preserve the view. She stated the land behind them is not utilized regularly.

Mr. Mateer inquired if the shed was premade offsite, how big the backyard is, and if they had spoken to any neighbors. The Applicant stated the shed was built offsite, their lot is .56 acres in total, and they had spoken to neighbors who had no problem with the project.

Mr. Metz inquired about a previous shed mentioned and the Applicants confirmed that the previous shed was removed.

Mr. Williams established that the shed is 8 foot by 12 foot.

Mr. Lennartz confirmed with the Applicant the shed's location 5 feet from the lot line.

The Chair then asked if there was anyone in the audience who would wish to speak in favor of the granting of the Variance.

*Kimberly Downey  
3942 North Freeman Road  
Orchard Park, NY 14127*

Ms. Downey spoke in favor of the project. She feels it's an improvement.

The Chair then asked if there was anyone in the audience who would wish to speak against the granting of the Variance.

(Twice) NO RESPONSE

The Chair then asked if the Secretary had received any communications either for, or against, granting the Variance. The Secretary stated there had not.

The Chair suggested a stipulation that the shed be located 5 feet from the lot line.

Mr. Mateer asked Code Enforcement Officer, John Wittman, to confirm that the shed was in fact 5 feet from the lot line. He could not with 100% accuracy as another employee did the site inspection. The Applicant stated they spoke to the employee who did the site inspection and verified that the setback was in fact 5 feet.

BOARD DISCUSSION:

Mr. Metz made a **MOTION**, seconded by Mr. Williams, to **GRANT** the Area Variance based on the following:

- 1. Per Section 144-63 (E) (1) All public notices have been filed.
- 2. There will not be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.
- 3. The benefit sought cannot be achieved in another way, other than the granting of the Variance.
- 4. The request is not substantial.
- 5. There will not be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
- 6. The difficulty is not self-created.

This **MOTION** is **GRANTED** with the following **STIPULATION**:

- 1. The shed is not to be closer to the lot line than 5 feet.

THE VOTE ON THE MOTION BEING:

LENNARTZ	AYE
METZ	AYE
MATEER	AYE
WILLIAMS	AYE
RODO	AYE

The Motion being **UNANIMOUS** in favor, the Motion to **GRANT** the Variance is **PASSED**.

- 6. ZBA File# 25-23, Robert Wenyewicz, 26 Hilltowne Drive, Zoned R-2, SBL# 172.19-1-7, (Sub lot 6, Map Cover 2940). Requests an Area Variance to construct a patio roof 6 feet horizontal distance from the roof vertical drop line to the edge of the pool. *No swimming pool shall be located closer than 10 feet to any building, §144-30-C(6)(c).*

APPEARANCE: *Mike Lukaszewski – Bammel Architects*  
*Robert and Julie Wenyewicz*

Mr. Lukaszewski explained they are seeking to replace the existing awning with a permanent structure. While they are actually requesting a 4 foot distance from the drip line of the structure to the pool, the structure is actually closest to the hot tub. The hot tub is considered part of the pool for this calculation. The Applicant submitted a petition of 16 neighbors in favor of the project and images of the area.

The Chair established with the Applicant that the distance to the pool proper is 8 feet.

Mr. Williams inquired if the structure could be moved two feet back, thereby increasing the distance to the pool to 10 feet. Mr. Lukaszewski stated that moving the structure back 1 foot would be possible.

Mr. Lennartz can support the compromise.

Mr. Williams was unable to support the request. Mr. Metz was in agreement.

Mr. Mateer feels comfortable with the compromise.

Mr. Lukaszewski explained that moving the posts would be difficult. They are able to remove some of the roof portion of the structure. With the shape of the pool, the closest distance to the pool would be 8 foot 6 inches.

The Chair then asked if there was anyone in the audience who would wish to speak in favor of the granting of the Variance.

(Twice) NO RESPONSE

The Chair then asked if there was anyone in the audience who would wish to speak against the granting of the Variance.

(Twice) NO RESPONSE

The Chair then asked if the Secretary had received any communications either for, or against, granting the Variance. The Secretary stated there had not.

BOARD DISCUSSION:

Mr. Lennartz can support a Variance of 5 feet.

Mr. Williams feels it is still too close to the pool.

Mr. Mateer stated he was in favor.

Mr. Lennartz made a **MOTION**, seconded by Mr. Mateer, to **GRANT** the Area Variance **with a STIPULATION** based on the following:

1. Per Section 144-63 (E) (1) All public notices have been filed.
2. There will not be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.
3. The benefit sought cannot be achieved in another way, other than the granting of the Variance.
4. The request is not substantial.
5. There will not be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
6. The difficulty is self-created, but that does not preclude the granting of the variance.

This Variance is **GRANTED** with the following **STIPULATION**:

- 1. The overhang will be located no closer than 5 feet to the hot tub.

THE VOTE ON THE MOTION BEING:

LENNARTZ	AYE
METZ	NO
MATEER	AYE
WILLIAMS	NO
RODO	AYE

The Motion being **THREE (3)** in favor and **TWO (2)** opposed, the Motion to **GRANT** the Variance is **PASSED with a STIPULATION.**

- 7. ZBA File# 26-23, Joseph Tasker, 60 Stoughton Lane, Zone R-1, SBL# 162.15-5-42, (Sub lot 43, Map Cover 2870). Requests an Area Variance to construct a patio roof 8 feet horizontal distance from the roof vertical drop line to the edge of the pool. *No swimming pool shall be located closer than 10 feet to any building, §144-30-C(6)(c).*

APPEARANCE: *Joseph Tasker – Owner*

Mr. Tasker explained that his project was similar to the previous project. They are requesting to build a patio cover 8 feet to the hot tub which is counted for this calculation, however the pool itself is 14 feet away.

Mr. Mateer feels this a straight forward case.

Mr. Lennartz and Mr. Williams were in agreement.

The Chair inquired if the structure would match the house and if the Applicant had spoken to any neighbors. The Applicant stated that it would match and that the structure wouldn't be visible to any neighbors.

The Chair then asked if there was anyone in the audience who would wish to speak in favor of the granting of the Variance.

(Twice) NO RESPONSE

The Chair then asked if there was anyone in the audience who would wish to speak against the granting of the Variance.

(Twice) NO RESPONSE

The Chair then asked if the Secretary had received any communications either for, or against, granting the Variance. The Secretary stated there had not.

BOARD DISCUSSION:

Mr. Williams stated he was in favor since the structure would be 10 feet from the actual pool.

The other Board members were in agreement.

Mr. Williams made a **MOTION**, seconded by Mr. Metz, to **GRANT** the Area Variance based on the following:

1. Per Section 144-63 (E) (1) All public notices have been filed.
2. There will not be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.
3. The benefit sought cannot be achieved in another way, other than the granting of the Variance.
4. The request is not substantial.
5. There will not be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
6. The difficulty is self-created, however that does not preclude the granting of the Variance.

THE VOTE ON THE MOTION BEING:

LENNARTZ	AYE
METZ	AYE
MATEER	AYE
WILLIAMS	AYE
RODO	AYE

The Motion being **UNANIMOUS** in favor, the Motion to **GRANT** the Variance is **PASSED**.

8. ZBA File# 27-23, Phillip Kaczmarek, 101 Autumn Lane, Zoned R-2, SBL# 184.06-1-34, (Sub lot 34, Map Cover 3907). Requests an Area Variance to install a shed 10 feet from the side lot line. *Minimum side yard setback in an R-2 zone is 15 feet, §144 Attachment 15 Schedule of Height, Lot, Yard and Bulk Regulations.*

APPEARANCE: *Phillip Kackmarek – Owner*

The Applicant explained the project. He explained that he wishes to avoid sprinkler lines and a tree which was a gift from his parents. He also intends to add a pool in the future and there is an easement in the back of the yard.

Mr. Williams confirmed that the requested relief is 5 feet.

Mr. Lennartz confirmed that the dimensions are 16 foot by 12 foot.

Ms. Kaczor inquired if the Applicant had considered locating the shed on the other side of the house. The Applicant feels this placement is easiest to access.

The Chair then asked if there was anyone in the audience who would wish to speak in favor of the granting of the Variance.

(Twice) NO RESPONSE

The Chair then asked if there was anyone in the audience who would wish to speak against the granting of the Variance.

(Twice) NO RESPONSE

The Chair then asked if the Secretary had received any communications either for, or against, granting the Variance. The Secretary stated there had and it was distributed to the Board.

BOARD DISCUSSION:

Mr. Lennartz made a **MOTION**, seconded by Mr. Mateer, to **GRANT** the Area Variance based on the following:

1. Per Section 144-63 (E) (1) All public notices have been filed.
2. There will not be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.
3. The benefit sought cannot be achieved in another way, other than the granting of the Variance.
4. The request is not substantial.
5. There will not be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
6. The difficulty is self-created but that does not preclude the granting of the Variance.

THE VOTE ON THE MOTION BEING:

LENNARTZ	AYE
METZ	AYE
MATEER	AYE
WILLIAMS	AYE
RODO	NO

The Motion being **FOUR (4)** in favor and **ONE (1)** opposed, the Motion to **GRANT** the Variance is **PASSED**.

There being no further business to be presented to the Board at this time, the Chair adjourned the meeting at 9:00 P.M.

DATED: 8/4/2023  
REVIEWED: 8/15/2023

Respectfully submitted,  
Anna Worang-Zizzi

Ms. Lauren Kaczor Rodo, Chairwoman  
Zoning Board of Appeals