

****REVISED** TOWN OF ORCHARD PARK – ZONING BOARD OF APPEALS AGENDA FOR JUNE 20, 2023**

****Item #8 was revised to include a second Variance request****

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Town of Orchard Park, New York will hold a Public Hearing on **Tuesday, the 20th of June, 2023 at 7:00 P.M.** in the **Orchard Park Community Activity Center, 4520 California Road**, in said Town, in the matter of the following appeals:

MEMBERS: Work session starts at 6:00 P.M. (Members please be prompt.)

NEW BUISINESS

1. ZBA File #31-22, Michael and Marissa Harmer, 115 Autumn Lane, Zoned R-2, SBL# 184.06-1-53, (Sub Lot 53, Map Cover 3707). Requests an Area Variance to install a 54 inch ornamental fence in the required side yard. *Fence or wall or hedge shall in no event enclose a front yard; nor shall it exceed four feet in height. A fence shall be of open, decorative design and permit clear visibility through at least 80% of its vertical area §144-22-A(2).*
2. ZBA File #12-23, Megan Burke, 82 Hunters Ridge Road, Zoned R-3, SBL# 153.14-8-4, (Sub Lot 32, Map Cover 2721). Requests an Area Variance to construct a 20 foot x 30 foot shed/pool house 5 feet from the side and rear lot lines. *Minimum side and rear setback in an R-3 zone is 10 feet each, §144 Attachment 14.*
3. ZBA File #14-23, Anthony & Lisa Nicastro, 12 Sandpiper Court, Zoned R-1, SBL# 173.12-2-12, (Sub Lot 23, Map Cover 3207). Requests an Area Variance to install a covered patio with the overhang approximately 1 foot 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 nor closer than 10 feet to any rear lot line. No swimming pool shall occupy more than 10% of the total area of the premises, §144-30-C(6)(c).*
4. ZBA File #15-23, Jonathon Schmid, 7425 Milestrip Road, Zoned R-1/R-2, SBL# 162.07-2-1, (Part of Farm Lot 8, Township 10, Range 7). Requests the Zoning Board of Appeals extend the time frame of the approved Area Variance received 7/21/20, File #14-20 for 2 residences on one lot. *§144-63(D)(2)(d) Expiration of Appeal Decision.*
5. ZBA File #16-23, Kristilynn Becker, 2324 Southwestern Blvd., Zoned R-3, SBL# 153.08-1-10, (Sub Lot 10, Map Cover 2030). Requests a Use Variance to operate a pet grooming business out of her residence. *Use. Only one use shall be permitted on a lot. Uses permitted in R Districts shall not be permitted on the same lot with uses permitted in B Districts or I Districts §144-20 D*
6. ZBA File #17-23, Robert Cullen, 27 Schultz Road, Zoned R-3, SBL# 171.12-3-26, (Sub Lot 2, Map Cover 1056). Requests an Area Variance to replace his existing shed with a 40 foot x 48 foot garage that exceeds the footprint area of his house by 824 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 Term defined- Accessory Use.*
7. ZBA File #18-23, Patrick Heister, 4089 California Road, Zoned R-3, SBL# 161.14-1-5, (Sub Lot 15 Map Cover 2321). Requests an Area Variance to house chickens on his .6 acre property. *Any parcel of land containing at least five acres which is used for gain in the raising of agricultural products, livestock, poultry or dairy products §144-5 Terms defined- Farm.*
- ** 8. File #22-23, Anabi Real Estate Development LLC., Vacant lot Southwestern Blvd. and Angle Road, Zoned B-2, SBL #153.07-1-8.31, (Farm Lot 405, Township 10, Range 7). Requests 2 Area Variances for a proposed convenience store and service station. First, to allow a vehicle entrance/exit within 80 feet of a residential district. *No automotive service station shall have an entrance or exit for vehicles within 300 feet, as measured along the right-of-way, of any residential district, §144-29C(2).* Second, to allow vehicle parking within the front yard. *Vehicle parking is prohibited within the front yard in this B-2 Zone, §144-29A(4).*

THE PETITIONER OR AN AUTHORIZED REPRESENTATIVE MUST ACCOMPANY EVERY PRESENTATION. ALL PERSONS CONCERNED WITH OR INTERESTED IN THE ABOVE APPEALS WILL BE GIVEN THE OPPORTUNITY TO BE HEARD AT THIS PUBLIC HEARING.

Dated: 5/22/2023
Orchard Park, New York

Lauren Kaczor Rodo, Chairwoman
Zoning Board of Appeals