

**ZONING BOARD OF APPEALS OF THE TOWN OF ORCHARD PARK**, Erie County, New York, minutes of the Orchard Park June 20, 2023, meeting held in the Town of Orchard Park Community Activity Center, 4520 California Road.

MEMBERS PRESENT: Lauren Kaczor Rodo, Chairwoman  
 Robert Lennartz  
 Kim Bowers  
 Robert Metz  
 Michael Williams, Alternate

EXCUSED: Dwight Mateer

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 May 2023 were approved unanimously.

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

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

#### **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).*

APPEARANCE: *Michael and Marissa Harmer – Owners*

The Applicant explained that they are planning to install a 54 inch fence to enclose their backyard. They have two pets, including an extra-large dog. At their previous residence, they had a five foot tall fence and they feel they need a minimum of a 54 inch fence. They feel their corner lot is a hardship. They explained the planned location.

Mr. Williams inquired about any other ways to contain their pets. The Applicant does not believe that an electric fence will be effective and also feels a fence will help to contain their children.

Ms. Bowers established with Code Enforcement Officer, John Wittmann, that the Applicant could install a fence up to 6 feet tall if it were even with the wall of the house. Ms. Bowers inquired about the possibility of moving the planned fence back, but the Applicant feels they would lose access to a large portion of their yard.

Mr. Lennartz inquired if the Applicant had spoken with any neighbors. The Applicant stated they had and had not received any complaints.

Mr. Metz confirmed with the Applicant that the purpose of the fence was to contain their dogs and children.

The Chair inquired how long the Applicant had lived in house. The Applicant responded that they moved in the last week of March.

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.

*John Garbay*  
*35 Autumn Lane*  
*Orchard Park, NY 14127*

Mr. Garbay spoke in opposition to granting the Variance. He cited Town Code and feels it would look like a dog kennel.

*Meghan Venitelli*  
*31 Autumn Lane*  
*Orchard Park, NY 14124*

Ms. Venitelli was opposed to this Variance for safety concerns and home values reasons.

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

BOARD DISCUSSION:

Ms. Bowers would like to see the fence moved back.

The Chair feels that the fence should be in line with the house.

The Chair made a **MOTION**, seconded by Mr. Metz, to **DENY** the Area Variance based on the following:

1. Per Section 144-63 (E) (1) All public notices have been filed.

- 2. There will be an undesirable change in the character of the neighborhood, or a detriment to nearby properties created.
- 3. The benefit sought can be achieved in another way, other than the granting of the Variance.
- 4. The request is substantial.
- 5. There will be an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
- 6. The difficulty is self-created.

THE VOTE ON THE MOTION BEING:

LENNARTZ	AYE
METZ	AYE
BOWERS	AYE
WILLIAMS	AYE
RODO	AYE

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

- 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.*

APPEARANCE: *Meghan Burke – Owner*

The Applicant explained that she would like to install this structure for shade. She no longer needs the shed portion originally proposed and she needs the Variance in order to meet the Town Code requirement for all buildings to be a minimum of 10 feet from the edge of the pool.

The Board established with the Applicant that if the structure was moved closer to Hunter’s Ridge Road, it could be in compliance with the Code requiring it to be 10 feet from the pool, and require only one setback Variance.

Mr. Lennartz established that the structure would have one wall at the rear of the structure. He inquired if the Applicant had spoken to the neighbors. The Applicant spoke to the neighbors directly impacted and they had no issues.

The Chair inquired about the height. The Applicant stated that they believe it will be 13 feet to 15 feet tall, but they are unsure.

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 they had been distributed to the members of the Board.

BOARD DISCUSSION:

Ms. Bowers prefers the project with only one Variance granted.

The Chair prefers the more open design.

Ms. Bowers made a **MOTION**, seconded by, Mr. Williams 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, however that does not preclude the granting of the Variance.

The Motion is **GRANTED** with the following **STIPULATION**:

1. Only the setback Variance facing the empty lot is granted.

THE VOTE ON THE MOTION BEING:

LENNARTZ	AYE
METZ	AYE
BOWERS	AYE
WILLIAMS	AYE
RODO	AYE

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

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).*

APPEARANCE: *Anthony and Lisa Nicastro – Owner*

The Applicant thanked the members of the Board for visiting their property. He discussed a packet of information which included a petition of over 20 neighbors and a letter from a neighbor, which had been distributed to the Board members. He stated they had HOA approval and read a letter from architect. The Applicant believes this project is in compliance with Town Code, as he does not believe this project constitutes a "building". He also stated the deck stairs will be moved to prevent easy access to the roof and he is willing to build a reverse gable to prevent the possibility of someone jumping from the roof into the pool.

Mr. Williams has concerns about the proximity to the pool. He established with the Applicant that it would not be possible to move one pillar back. The Applicant is willing to compromise on placement. Mr. Williams does not feel he can support this project.

The Chair discussed alternatives with the Applicant. The Applicant explained limitations of the site and maintaining the integrity of the pool. He stated he could move it 18 inches farther from the pool.

Mr. Metz does not feel he can support this project.

The Chair feels it needs to be farther from the pool. The Board members discussed possibilities with the Applicant, and the Applicant believes with renovations it would be possible to place it 3 feet from the pool stairs and 5 feet from the water line.

The Chair questioned if Board members had any opinion on the reverse gable. Ms. Bowers and Mr. Lennartz had no preference on the matter.

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 is comfortable with the compromise and does not feel someone jumping from the roof is likely.

Ms. Bowers was in agreement.

Mr. Lennartz made a **MOTION**, seconded by Ms. Bowers, 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 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.

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

- 1. The building be located a minimum of 3 feet from the stairs to the pool.

THE VOTE ON THE MOTION BEING:

LENNARTZ	AYE
METZ	NO
BOWERS	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**.

- 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.

APPEARANCE: *Jonathan Schmid – Owner*

The Applicant explained the proposal has not changed from three years ago. Construction has not gone forward due to COVID and associated issues with contractors and materials.

Mr. Lennartz established with the Applicant that he is prepared to proceed with construction at this point, and that this residence will be occupied by a relative.

Ms. Bowers established with Code Enforcement Officer, John Wittman that if this Variance was approved at this point, the Applicant will have one year to apply for a building permit.

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:**

The Board members were in favor, other than the Chair who was opposed to the original Variance.

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 self-created, however that does not preclude the granting of the Variance.

**THE VOTE ON THE MOTION BEING:**

LENNARTZ	AYE
METZ	AYE
BOWERS	AYE
WILLIAMS	AYE
RODO	NO

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

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.*

APPEARANCE: *Kristilynn Becker - Owner*

The Chair explained that a Variance for a sign would be a separate issue, and could not be approved at this meeting. She stated the Applicant could request the review of this case be tabled until they could review both Variances, or they could review this Variance separately from the request for the sign. The Applicant chose the latter option.

The Applicant distributed information. She is seeking to open a dog grooming business with her business partner out of her home. She explained that on one side of this property was a church sign and on the other was the parking lot for the nearby senior apartments. She stated they would be only one of three operating groomers in Orchard Park. She is planning to convert her garage into a business space.

Ms. Bowers established that there would be an entrance for the business separate from the home and that there would be a maximum of two dogs present at a time.

Mr. Williams established that the Applicant and her business partner would stagger appointments to limit the number of customers on-site.

Mr. Lennartz inquired if the Applicant would remove the garage door, if the Applicant had spoken to neighbors, and if this business would be the Applicant's main source of income. The Applicant stated they are not planning on removing the garage door, they had spoken to neighbors and there were no concerns, and it would be her main source of income.

Mr. Metz inquired about parking. The Applicant stated that she and her partner would park on the graveled area on the side of the house, reserving the driveway for customers.

The Chair established that there would be no employees other than the Applicant and her business partner.

Mr. Williams established that there would be no boarding at this business.

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:

The Board members had no issues with this project.

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

1. Per Section 144-63 (E) (1) All public notices have been filed.
2. Strict application of the regulations will deprive the applicant of a reasonable return on the property, provided that lack of return is substantial as demonstrated by competent financial evidence.
3. The hardship is unique, and does not apply to a substantial portion of the district or neighborhood.
4. The variance will not alter the essential character of the neighborhood.
5. The alleged hardship was not self-created

THE VOTE ON THE MOTION BEING:

LENNARTZ

AYE



METZ	AYE
BOWERS	AYE
WILLIAMS	AYE
RODO	AYE

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

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.*

APPEARANCE: *Robert Cullen – Owner*

The Applicant explained that he wants to replace his existing garage, but make it larger.

Mr. Metz inquired if there would be a business operating out of this garage, and if the Applicant would be willing to install a smaller garage. The Applicant stated there would be no business; he would use the garage for storage and a small shop. He does not feel that he can go smaller; he would like to eliminate outdoor storage.

Mr. Lennartz inquired if the Applicant had spoken to any neighbors, and if the exterior would match the house. The Applicant stated that the neighbors are supportive and the exterior would be a similar color siding with stone at the bottom.

Ms. Bowers established that the garage would be in the same location as the previous building.

Mr. Williams established that while the Applicant helps the occasional neighbor, he does not operate a snow-removal business.

The Chair feels the garage is too large. The Applicant stated he wishes to store everything inside.

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

*Euclide Theriault  
24 Schultz Road  
Orchard Park, NY 14127*

Mr. Theriault stated that his property was across the street and he is in favor of the Variance.

*Nancy Theriault  
24 Schultz Road  
Orchard Park, NY 14127*

Ms. Theriault stated she is in favor of the building because the Applicant is trying to keep his yard neat and take care of his equipment. She also stated that he is a good neighbor.

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:

The Chair feels the garage is too large.

Ms. Bowers 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 self-created, however that does not preclude the granting of the Variance.

THE VOTE ON THE MOTION BEING:

LENNARTZ	AYE
METZ	AYE
BOWERS	AYE
WILLIAMS	AYE
RODO	NO

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

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.*

APPEARANCE: Patrick Heister – Owner

Mr. Heister explained that he originally planned to house six (6) chickens at this site, however, Tractor Supply only had seven (7) and he felt he could not leave one behind. He stated the chickens make virtually no noise, and he distributed two (2) letters in favor of granting the Variance.

Mr. Metz established with the Applicant that he had already purchased the chickens and had a permit for the structure (although that does not constitute permission to house chickens within it). Mr. Metz inquired if the Applicant had spoken to any neighbors. The Applicant stated he had and they were mostly in favor.

Mr. Williams inquired how long the Applicant had had the chickens for and if he ever allowed them to “free-range”. The Applicant stated he’d had the chickens for three (3) months. He does occasionally let the out, however he would be willing to not allow them out if it was a condition of granting the Variance.

Ms. Bowers established the Applicant had a permit for the structure. She inquired what he used the chickens for and if there were any roosters. The Applicant stated that they used the chickens for eggs and there were no roosters.

Mr. Lennartz inquired about the permit for the structure. The Applicant explained that the permit stated he would need ZBA approval to house chickens, he got the chickens before he knew he needed a Variance, and he will turn the structure into a shed if he can’t keep the chickens.

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

*Ms. Hailand*  
*4075 California Rd.*  
*Orchard Park, NY 14127*

Ms. Hailand stated there is no smell or sound, the Applicant is a respectful neighbor and she was in favor of the chickens.

*Tom Hailand*  
*4075 California Road*  
*Orchard Park NY, 14127*

He stated he is in favor of the chickens.

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

*Geraldine Kozlowski*  
*63 Stepping Stone Lane*  
*Orchard Park NY, 14127*

Ms. Geraldine expressed concern on the impact on the value of homes and stated she was worried about noise, rodents, coyotes and foxes.

Name inaudible  
214 Stepping Stone Lane  
Orchard Park, NY 14127

This member of the public feels this project would change the character of neighborhood.

*Bob Upton*  
*51 Stepping Stone Lane*  
*Orchard Park, NY 14127*

Mr. Upton had concerns about predators, car accidents and roosters.

*Ryan McGraw*  
*13 Stepping Stone Lane*  
*Orchard Park, NY 14127*

Mr. McGraw expressed concerns about resale value.

*Joanne Harris*  
*15 Stepping Stone Lane*  
*Orchard Park, NY 14127*

Ms. Harris expressed concerns about possible future roosters. She also expressed concern about the chickens arriving before the Applicant had permission.

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 had been distributed to the Board Members.

**BOARD DISCUSSION:**

Mr. Lennartz is opposed to the Variance as the minimum acreage is 5 acres.

The Chair feels it's too big of a request.

Mr. Lennartz made a **MOTION**, seconded by Mr. Williams, to **DENY** 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
BOWERS	AYE

WILLIAMS  
RODO

AYE  
AYE

The Motion being **UNANIMOUS**, the Motion to **DENY** the Variance is **PASSED**.

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).*

APPEARANCE – *Jeff Palumbo – Attourney*  
*Rob Sweet – McBride Dale Clarion*  
*Austin Rosen – Anabi Real Estate Development LLC.*

Mr. Palumbo explained they are proposing a 7-11 convenience store. He stated the project has been through the Planning Process Town Board gave approval in July 2021. At that time it determined that the project was NOT an automotive service station and therefore did not require an entrance 300 feet away from a residential district. At this point it has been determined that the project is an automotive service station.

The Applicant feels the project as proposed will be safer and there is no alternative. He stated that as a convenience store, front yard parking was necessary. And he feels the impact of granting the Variance is minimal.

The Chair established that this project had been approved by other Boards.

Ms. Bowers was not opposed as she prefers the exit onto Angle Road, where there's a light. She feels the front yard parking fits in with the plaza across street.

Mr. Williams inquired about gas deliveries and the Truck Plan. The Applicant explained the deliveries will come in on Angle Road and exit on Southwestern Blvd. The Board members viewed the Truck Plan.

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.

*Gordon Reger*  
*2766 Southwestern Blvd*  
*Orchard Park NY 14127*

Mr. Reger requested to see plans, however he was informed by the Chair that this meeting was not the format for that. He stated that he owned senior apartments nearby. He had no opinion on the Variance but stated he was for the convenience store since many residents don't own a car.

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 was in favor of the Variance given the situation.

Ms. Bowers 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 Board members had no issues with this project.

THE VOTE ON THE MOTION BEING:

LENNARTZ	AYE
METZ	AYE
BOWERS	AYE
WILLIAMS	AYE
RODO	AYE

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

There being no further business to be presented to the Board at this time, Acting Chairwoman Bowers adjourned the meeting at 8:51 P.M.

DATED: 7/12/2023  
REVIEWED: 7/18/2023

Respectfully submitted,  
Anna Worang-Zizzi

Ms. Lauren Kaczor Rodo, Chairwoman  
Zoning Board of Appeals