

Town of Pendleton, NY
Zoning Board of Appeals (ZBA)
Meeting Agenda – July 28, 2026
Pendleton Town Hall - 7:00 PM

1. Public Hearings

a. **Nicholas Walker**

5536 Mapleton Road, Lockport, NY 14094.

- Owner has placed a 16' x 20' shed on the above referenced property. Together with an existing 1,440 sf accessory structure, it exceeds the 1,200 sf maximum under Town Code §247-34(e)(2). Property is zoned R-2 residential, 2.37 acres in size, and irregularly shaped. Total relief sought: 264 sf accessory structure size area variance.

b. **Emily Victor & David Bates**

5272 Terri Lane, North Tonawanda, NY 14120.

- Owners wish to construct a 20' x 34' garage on the above referenced property with a 75.5' front yard setback where 100' is required under Town Code §247-11(d)(1), and a 5' side yard setback where 15' is required under §247-11(e). Property is zoned R-2 residential and 0.57 acres in size. Total relief sought: 24.5' front yard and 10' side yard garage setback area variances.

c. **Pendleton Center United Methodist Church**

6864 Campbell Blvd., North Tonawanda, NY 14120.

- Applicant wishes to construct a 10' x 20' pavilion as part of an Eagle Scout project on the above referenced property with a 63' front yard setback where 75' is required under Town Code §§247-10(d)(1) and 247-26(d). Property is zoned R-1 residential, 21.5 acres in size, irregularly shaped, and is a corner lot. Total relief sought: 12' front yard pavilion setback area variance.

d. **John Gibbon**

7039 Meadowbrook Court, North Tonawanda, NY 14120.

- Owner wishes to construct a 14'6" x 28' addition to the existing garage on the above referenced property. The garage and addition exceed the 1,200 sf maximum by 493 sf under Town Code §247-11(i). The addition would also be within a Town sanitary sewer easement, where accessory structures are prohibited under §247-34(d). Property is zoned R-2 residential, 1.65 acres in size, and irregularly shaped. Total relief sought: 493 sf private garage size area variance and an area variance to permit construction within the Town sanitary sewer easement. If approved, the easement issue shall be referred to the Planning Board for review.

e. **Benjamin Cassick**

5035 Feigle Road, Lockport, NY 14094.

- Owner wishes to construct a 1,008 sf accessory structure on the above referenced property. Combined with an existing 200 sf accessory structure, it exceeds the 600 sf maximum under Town Code §247-34(e)(1). Property is zoned R-2 residential and 1.44 acres in size. Total relief sought: 608 sf accessory structure size area variance.

2. Open regular meeting of ZBA

3. Changes to agenda

4. Review minutes from prior meeting(s)

a. June 2026

5. Deliberation on Hearings

a. Walker

b. Victor/Bates

c. Pendleton Center UMC

d. Gibbon

e. Cassick

6. Review Correspondence

7. Special Topics

8. Miscellaneous ZBA items:

a. Next Meeting/Attendance:

- August 25, 2026 at 7:00 PM, Pendleton Town Hall.

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

9. Adjournment

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.