

## **Zoning Board of Appeals Meeting**

**Kelly Van Osch, 1050 Exchange St. SBL #119.11-1-13**

**May 19, 2026**

The Zoning Board meeting was called to order by Chairman Mike DeWitt at 6:30 pm.

**Present:** Michael DeWitt, Tom Kirszenstein, Brian Schumacher, Chris Trapp, Joe Czechowski, Chris Twaragowski, Kelly Van Osch, Samantha Barnes, Tammy Zhanghi, Janet Capage.

**Absent:** Charles Gaffney

The purpose of this public hearing: There four area variances being addressed at this meeting:

1. The drawing provided with the building permit application includes a loft consisting of 197.875 square feet, creating a second story. Section 210-17E(1)(b) of the Code of the Village of Alden limits accessory structures to one story, not to exceed fifteen (15) feet. As provided for in Chapter 210, Zoning, of the Code of the Village of Alden, a story is defined as, "The portion of a building between the surface of a floor and the next floor above or the ceilings next above under a roof, with an area greater than one hundred fifty (150) square feet".
2. The drawing provided with the building permit application includes a fourteen-foot by fourteen-foot (14' x 14') garage door. Section 210-26C(2)(b) of the Code of the Village of Alden limits private garages with a vehicular entrance to be no more than ten (10) feet in height. Therefore, the proposed garage door height is four (4) feet too high.
3. The drawing provided with the building permit application shows the accessory structure to have a total area of 800 square feet. Section 210-26C(2) of the Code of the Village of Alden limits all detached accessory structures to a maximum of 5.0% lot coverage for lots 0 acres to 0.5 acres. After calculating the coverage of the proposed accessory structure against the lot size, the structure is two hundred seventy-three and one half (273.5) square feet over the maximum allowed coverage
4. The drawing provided with the building permit application shows the accessory structure to have a building height of sixteen feet, two inches (16'2"). Section 210-17E(1)(b) of the Code of the Village of Alden limits accessory structures to a maximum height of fifteen (15) feet. Therefore, the proposed building height is one foot, two inches (1'2") too tall.

At this point Chairman DeWitt opened the Public Hearing to the audience.

Kelly Van Asch explained. A larger garage is needed to store his boat and other items safely. The loft also provides extra storage. They have cleaned up the property a great deal and would like to keep everything inside to maintain the cleaner look.

Neighbors spoke – Zanghi, 1066 Exchange Street – She is in favor, garage looks nice and will be an upgrade to the property. Capage, 1040 Exchange Street – Would rather see a well constructed garage than a shoddy overhang that used to be on site.

For the record, it was noted the action was referred to Erie County Planning and a response was received with no objections.

**MOTION** by Tom Kirszenstein and seconded by Brian Schumacher, to close the Public Hearing. Carried.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance for **Variance Request #1**:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No, it will be unseen inside the structure.**
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **No, difficult because of the small lot, not a lot of space.**
3. Whether the requested area variance is substantial? **Yes, it is quite a lot.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No. The proposed garage is in line with other properties on the street.**
5. Whether the alleged difficulty was self-created: which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance? **Yes, can store equipment someplace else.**
6. Whether it will create a hazard to health, safety, or general welfare? **No. The proposed garage is in line with other properties on the street.**

**MOTION** by Tom Kirszenstein and seconded by Brian Schumacher, to grant the requested variance. Unanimous, Carried.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance for **Variance Request #2**:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No, the door height is only 2' taller than normal.**
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **Yes, but cannot fit boat in standard garage.**
3. Whether the requested area variance is substantial? **Somewhat, it is 20%.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No. The proposed garage is in line with other properties on the street.**

5. Whether the alleged difficulty was self-created: which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance? **Yes, can store equipment someplace else.**
6. Whether it will create a hazard to health, safety, or general welfare? **No. The proposed garage is in line with other properties on the street.**

**MOTION** by Brian Schumacher and seconded by Tom Kirszenstein, to grant the requested variance. Unanimous, Carried.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance for **Variance Request #3:**

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No, it is in line with similar structures.**
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **No, difficult because of the small size restrictions, not a lot of space.**
3. Whether the requested area variance is substantial? **Yes, it is 30% of the house size, it is quite a lot.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No. The proposed garage is in line with other properties on the street.**
5. Whether the alleged difficulty was self-created: which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance? **Yes, can store equipment someplace else.**
6. Whether it will create a hazard to health, safety, or general welfare? **No. The proposed garage is in line with other properties on the street.**

**MOTION** by Mike DeWitt and seconded by Brian Schumacher, to grant the requested variance. Unanimous, Carried.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance for **Variance Request #4:**

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No, it is in line with similar structures.**
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **No, it is a function of the door height needed.**
3. Whether the requested area variance is substantial? **No.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No. The proposed garage is in line with other properties on the street.**

5. Whether the alleged difficulty was self-created: which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance? **Yes, can store equipment someplace else.**
6. Whether it will create a hazard to health, safety, or general welfare? **No. The proposed garage is in line with other properties on the street.**

**MOTION** by Tom Kirszenstein and seconded by Brian Schumacher, to grant the requested variance. Unanimous, Carried.

MOTION to adjourn the meeting at 6:44PM by Tom Kirszenstein and seconded by Brian Schumacher, all were in favor. Carried.

Respectfully submitted,

Joseph Czechowski