

**BOARD OF APPEALS**  
**Regular Session**  
**North Tonawanda, New York 14120**  
**Monday, March 13, 2023**  
**6:00 P.M.**

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**THE REGULAR SESSION OF THE BOARD OF APPEALS WAS CALLED TO ORDER BY CHAIRMAN SMOLINSKI.**

**ROLL CALL**

**Present: Chairman Smolinski**  
**Commissioner Haacker, Evans, Kuebler, Wistner**

**Absent: None**

**Also Present: Assistant City Attorney Nicholas Robinson**  
**Building Inspector Robert C. DePaolo**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION FEBRUARY 13, 2023**

**MOVED by Commissioner Haacker      SECONDED by Commissioner Evans**  
**That the minutes of the regular session held February 13, 2023 be approved as**  
**circulated and filed in the office of the City Clerk-Treasurer.**

**Ayes: Commissioner Haacker, Evans, Kuebler, Wistner, Smolinski      (5)**  
**Nays: None      (0)**  
**CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED FEBRUARY 4, 2023**

**MOVED by Commissioner Kuebler      SECONDED by Commissioner Haacker**  
**That the proof of publication presented by the Clerk of the Board of Appeals of the**  
**notice of a public hearing of the various appeals filed with and to be presented at the**  
**regular session of the Board of Appeals, which was published February 4, 2023 be**  
**received and filed.**

**Ayes: Commissioner Haacker, Evans, Kuebler, Wistner, Smolinski      (5)**  
**Nays: None      (0)**  
**CARRIED.**

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**NEW BUSINESS**

**#1.**  
**AREA VARIANCE TO ERECT A 19' X 32' DETACHED GARAGE 2' FROM**  
**SIDE PROERTY LINE. [§103-15 C (4) (4c) THAT IN ANY DISTRICT, A**  
**SINGLE-STORY ACCESSORY BUILDING, 750 SQUARE FEET OR LESS IN**  
**AREA, WILL BE PERMITTED TO BE THREE FEET FROM ANY SIDE OR**  
**REAR LOT LINE].**

**Kevin Zitzka**  
**698 Park Avenue**  
**North Tonawanda, NY 14120**

**Re: Area Variance to erect a 19' x 32'**  
**detached garage 2' from property**  
**line, located at 698 Park Avenue**

**At this time the Chairman asked if anyone wanted to speak for or against the**  
**requested variance.**

**There were no speakers for or against the requested area variance.**

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**MOVED** by Commissioner Haacker      **SECONDED** by Commissioner Kuebler  
 That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 698 Park Avenue and will notify other agencies involved, and finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR.

Ayes: Commissioner Haacker, Evans, Kuebler, Wistner, Smolinski (5)

Nays: None (0)

**CARRIED.**

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**MOVED** by Commissioner Haacker      **SECONDED** by Commissioner Wistner  
 That the Zoning Board of Appeals hereby approves the area variance to Kevin Zitzka, 698 Park Avenue, to erect a 19' x 32' detached garage 2' from property line at 698 Park Avenue. The request will not change the character of the neighborhood, the request was not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood, and the alleged difficulty was not self-created.

Ayes: Commissioner Haacker, Evans, Kuebler, Wistner, Smolinski (5)

Nays: None (0)

**CARRIED.**

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### ADJOURNMENT

**MOVED** by Commissioner Evans      **SECONDED** by Commissioner Wistner  
 That the meeting of the Zoning Board of Appeals be adjourned.

**CARRIED.**

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Time Adjourned: 6:10 P.M.

Next Regular Meeting: April 10, 2023 at 6:00 P.M.

Respectfully submitted,



Donna L. Braun  
 City Clerk-Treasurer