



# CITY OF LACKAWANNA OFFICE OF CODE ENFORCEMENT

714 Ridge Road – Room 311  
Lackawanna, NY 14218  
Tel: (716) 827-6474 Fax: (716) 827-1866



Date 4/29/20

Agenda Checklist  
Zoning Board of Appeals  
Planning and Development Board

Property address 96 BRINKER

Reason in front of the board FRONT YARD FENCE HEIGHT VARIANCE

Special use permit needed for Zoning? Yes/No  No Planning? Yes/No  No

Agenda Applicant THOMAS TUTARO

Agenda item 6 FOOT FENCE IN FRONT YARD

Zone SINGLE FAMILY RESIDENTIAL

Use variance needed? Yes  No

Description of use variance (not allowed in that zone) ✓

Area variance needed?  Yes  No

Description of area variances needed (Parking/ height ect...) STRANGE SHAPE PROPERTY, 6 FOOT TALL FENCING PAST FOUNDATION.

Description of agenda use? SAME

Code enforcement research (attached if applicable) YES

Legal opinion/ research (attached if applicable) NO

Scott Hayes  
Code Enforcement Officer



**CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT**

714 Ridge Road – Room 309  
Lackawanna, NY 14218  
Tel: (716) 827-6421 Fax: (716) 827-1866



APPLICATION  
TO THE CITY OF LACKAWANNA  
ZONING BOARD OF APPEALS

Date: 3/13/2026

Application No. \_\_\_\_\_

Application Fee:	Fee
<input checked="" type="checkbox"/> Land Use Variance	\$ 250.00
<input type="checkbox"/> Zoning Law Appeal	\$ 250.00

Property Address: 96 Beinker Rd.

S.B.L. No. \_\_\_\_\_

Description of Action to be Appealed: 8' WAST 6 FOOT - 6 FOOT  
Privacy Fence Passes the Front of  
home.

APPLICATION IS HEREBY MADE to the City of Lackawanna Zoning Board of Appeals for a Land Use Variance and/or Zoning Law Appeal as required by the Municipal Code of the City of Lackawanna. The applicant hereby agrees to comply with all applicable laws, rules, ordinances and regulations.

Director of Development

Thomas Tutaro

Name of Applicant

[Redacted Signature]

Signature of Applicant

[Redacted Address]

Address of Applicant

[Redacted Phone No.]

Applicant Phone No.

[Redacted Email]

Applicant's Email

owner

Role of Applicant to Project  
(owner, attorney, lessee, agent,  
architect, engineer, contractor...)

Property Owner:

NAME: Tom Tutaro

Address

[Redacted Address]



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DEPARTMENT OF DEVELOPMENT**

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Lackawanna, NY 14218  
Tel: (716) 827-6474 Fax: (716) 827-1866



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**City of Lackawanna Criteria for an Area Variance**

**(All applicants must answer questions below when an Area Variance is sought)**

Before the Zoning Board of Appeals may grant an Area Variance the Applicant must provide proof of, and the ZBA must consider the following:

- (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 area variance;
  - (2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
  - (3) whether the requested area variance is substantial;
  - (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - (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.
- (c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

In order to establish the above please complete the questions below (Please feel free to use additional pages if necessary):

Property Address: 96 Brinker Rd.

1. Will 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 area variance, and if not why not?

Will NOT. Will be on my property  
Not interfere with any neighbors. Will actually  
make the neighborhood look even nice with  
a beautiful 6 foot vinyl fence.

2. Can the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance, and if not why not?

NO. Because need the fence to go farther  
out. Also, prevents the litter and  
cigarette butts keep being thrown on  
my property by my next door neighbor  
who I asked to stop throwing on my  
property and even put a sign on my  
property but he does it even more.

3. Is the requested area variance is substantial when considered against adopted area zoning regulations?

NO Just a fence extension

4. Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

NO it will not it is just a fence

5. Is 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?

NA



Thomas TOTHARO

Sign Above, Print Name Below

10' from The onX Hunt Side View  
Not to Scale = 20' from the Street (New fence)

NY Private Lands



## TUTARO THOMAS

Overview Hunt Unit Content



### NY Private Lands

Owner

TUTARO THOMAS

Copy

Tax Address

96 BRINKER RD BUFFALO NY 14218

Copy

County

Erie

Area (Acres)

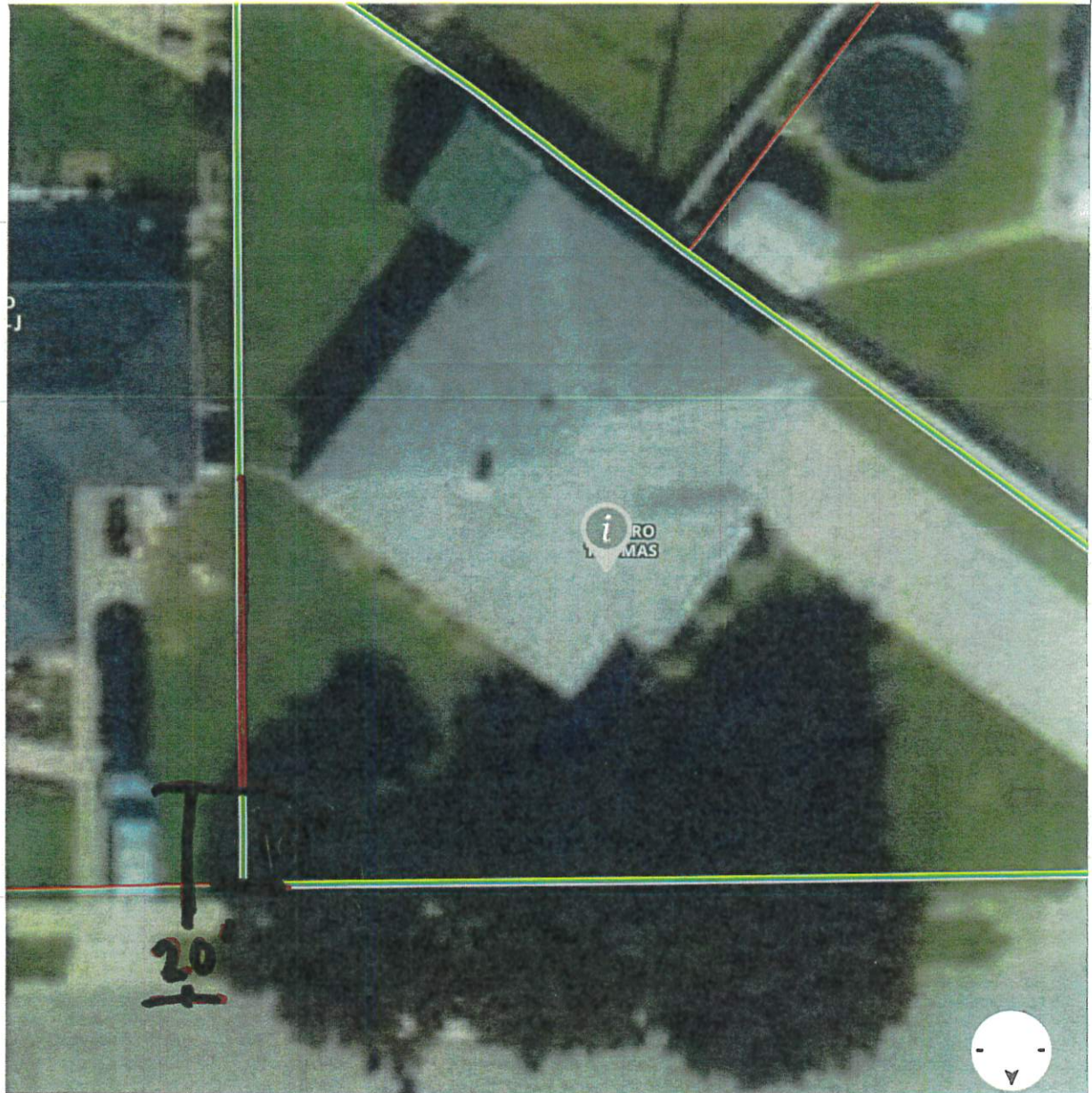
.2

Coordinates 42.82158, -78.8043

Copy

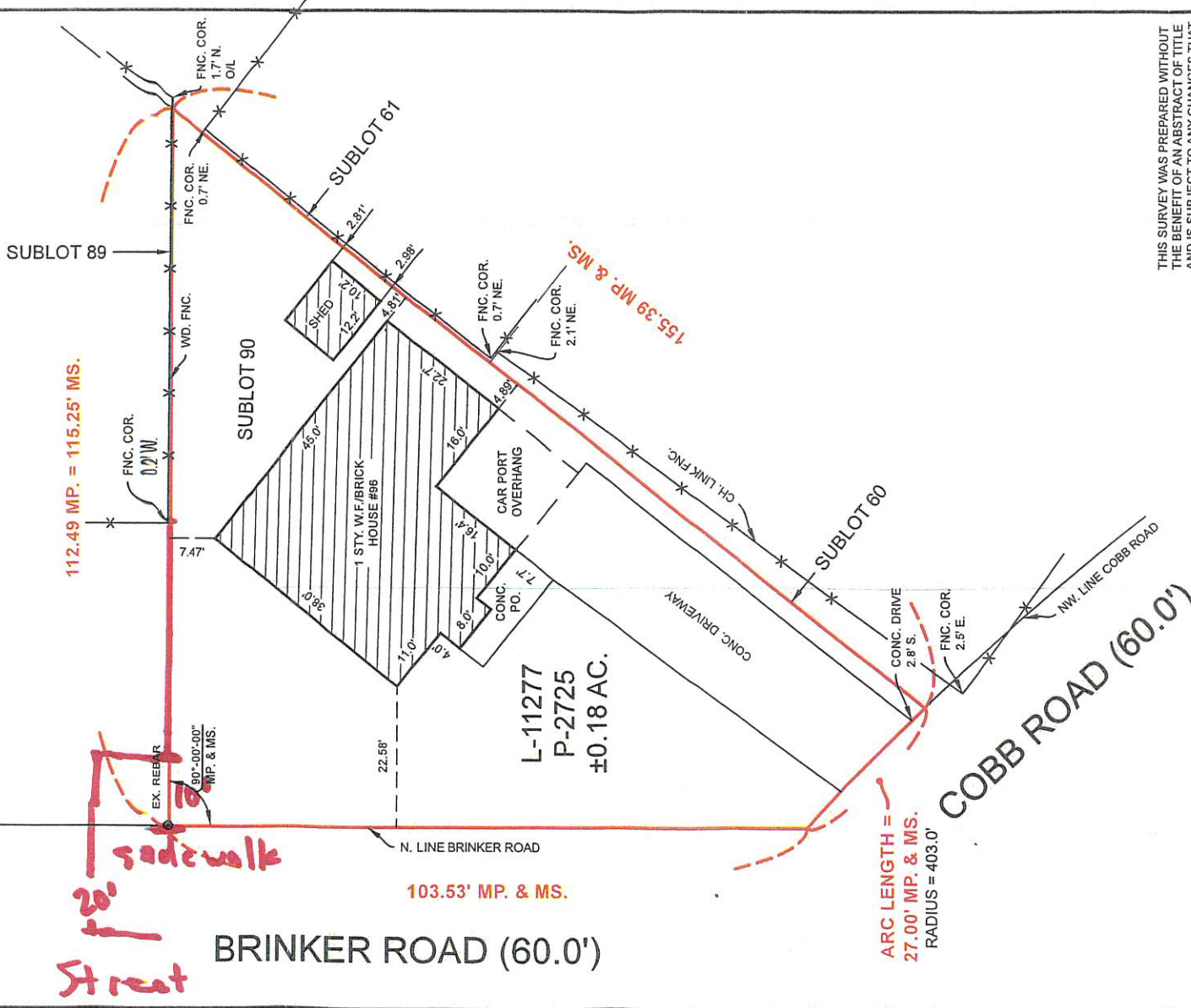
Elevation 609 ft

NY Wildlife Management Unit





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THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY CHANGES THAT AN EXAMINATION OF SUCH MAY REVEAL

**BOUNDARY TOPOGRAPHIC 360° LAND SURVEY 3-D MODELING**

PO Box 474  
 Lockport, New York 14095  
 PHONE: (716) 587-8380  
 FAX: 716.587.8379  
 WEBSITE: www.360landsurvey.com

MAP REFERENCE: COVER NUMBER 1886

*Handwritten signature*

PART OF LOT	344	SEC.	-	TWP.	10	RNG.	7
OF THE BUFFALO CREEK RESERVATION							
CITY	LACKAWANNA	COUNTY	ERIE, NY				
TAX IDENTIFICATION No.:	142.11-5-39	PROJ. NO.	19-284	CHK.	CJS	SCALE	1"=20'
CREW	JCR	DWN.	DTH	DATE	10/3/2019	P = PAGE S = STORY STY = TYPICAL W = WEST WF = WOOD PP = POWER POLE WF = WOODFRAME	
LEGEND:	L = LIBER DIA. = DIAMETER DIST. = DISTANCE E. = EAST EX. = EXISTING FNC. = FENCE IR. = IRON PIPE J. = JUNCTION BOX AC. = ACRES APPROX. = APPROXIMATE BIT. = BITUMINOUS CH. = CHAIN CONC. = CONCRETE COR. = CORNER E. = CENTERLINE MH = MANHOLE MP. = MEASURED MS. = MEASURED O.H. = OVERHEAD OIL = ON LINE IP. = IRON PIPE J. = JUNCTION BOX PP = POWER POLE WF = WOODFRAME						
NOTES:	-UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP MARKED WITH THE SIGNATURE AND AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES. -UNAUTHORIZED ALTERATION OR ADDITION TO HIS SURVEY MAP IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.						



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Date 4/29/26

Agenda Checklist  
Zoning Board of Appeals  
Planning and Development Board

Property address 14 AND 28 W. ELMVIEW.

Reason in front of the board FENCE HEIGHT VARIANCE

Special use permit needed for Zoning? Yes  No  Planning? Yes  No

Agenda Applicant ARAF ALI

Agenda item 8 FOOT TALL FENCING IN REAR OF PROPERTY'S

Zone SINGLE FAMILY RESIDENTIAL

Use variance needed? Yes  No

Description of use variance (not allowed in that zone) ✓

Area variance needed? Yes  No

Description of area variances needed (Parking/ height ect...) ASKING FOR 8 FOOT TALL FENCING IN REAR PROPERTY'S

Description of agenda use? JULY 25TH 2023 RECEIVED VARIANCE NEVER PULLED THE PERMIT AND FENCE NOT INSTALLED. VARIANCE APPEAL TIMED OUT.

Code enforcement research (attached if applicable) YES

Legal opinion/ research (attached if applicable) NO

Scott Hayes  
Code Enforcement Officer



**City of Lackawanna**  
**Department of Development / Code Enforcement**  
714 Ridge Road – Room 309 / Room 311  
Lackawanna, NY 14218  
Tel: (716) 827-6421 Fax: (716) 827-1866



---

April 23, 2026

Dear Zoning Board of Appeals,

Included in your packet are two (2) agenda items for the same property owner, Araif Ali. He is the owner of 14, 20, and 28 West Elmview Avenue. He is on the April 29, 2026 Zoning agenda to request a variance for an 8ft tall privacy fence in the rear of the properties, at 14 and 28 West Elmview. On July 25, 2023 the property owner was in front of the Zoning Board for the same request and was granted approval at that time. The property owner did not move forward with the 8ft tall fence and the approval was near expiration. The property owner, through their attorney, discussed a potential six (6) month extension with Code Enforcement on January 4, 2024. A six (6) month extension was granted, and the property owner did not commence erecting the 8ft tall fence at either property within that time frame either. The property owner approached the city in 2026 requesting a permit to erect the 8ft tall fencing at both properties, but was told the approval expired. This is why the applicant is in front of you.

Thank you,

Department of Development



CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT

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APPLICATION  
TO THE CITY OF LACKAWANNA  
ZONING BOARD OF APPEALS

Date: 3-27-26

Application No. \_\_\_\_\_

Application Fee:

Fee

Land Use Variance  
 Zoning Law Appeal

\$ 250.00  
\$ 250.00

Property Address: 14 W. Elmview Ave

S.B.L. No. \_\_\_\_\_

Description of Action to be Appealed: To erect a 8ft  
fence.

APPLICATION IS HEREBY MADE to the City of Lackawanna Zoning Board of Appeals for a Land Use Variance and/or Zoning Law Appeal as required by the Municipal Code of the City of Lackawanna. The applicant hereby agrees to comply with all applicable laws, rules, ordinances and regulations.

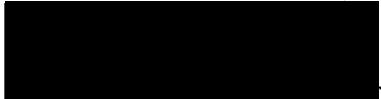
Director of Development

Arcif Ali  
Name of Applicant



Signature of Applicant

  
Address of Applicant



Applicant Phone No.

  
Applicant's Email

Owner  
Role of Applicant to Project  
(owner, attorney, lessee, agent,  
architect, engineer, contractor...)

Property Owner:

NAME: Arcif Ali

Address: 

Property Address: 14 W. Elmwood Ave.

1. Will 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 area variance, and if not why not?

No, it will not cause undesirable change because there is currently a fence there.

2. Can the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance, and if not why not?

No, a fence would be the only means to obtain the privacy consistently.

3. Is the requested area variance is substantial when considered against adopted area zoning regulations?

No

4. Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

No

5. Is 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?

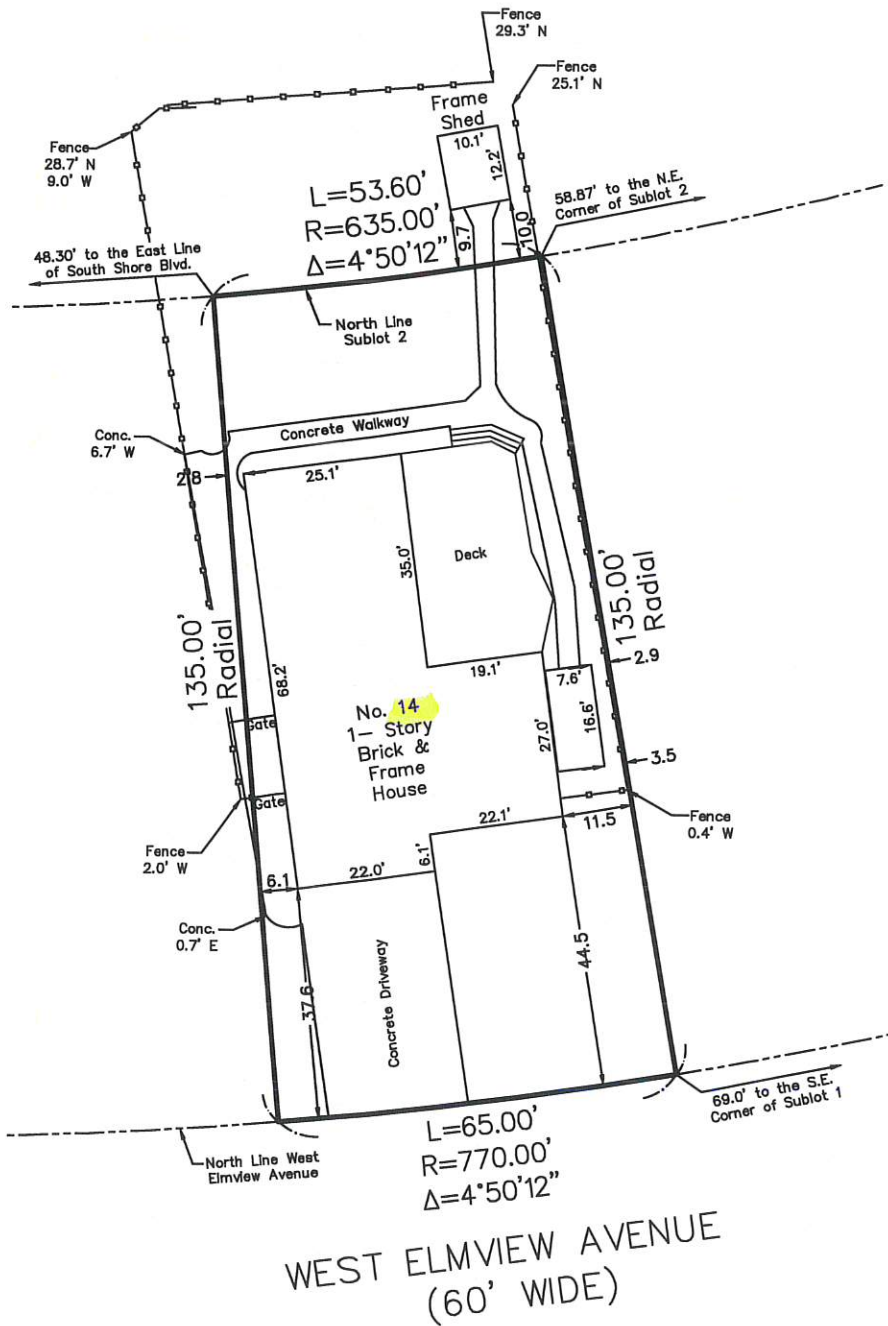
Yes, but it is for privacy behind the front foundation of the property

Sign Above, Print Name Below

Araif Ali

# SURVEY

14 WEST ELMVIEW AVENUE  
LACKAWANNA, NEW YORK



WEST ELMVIEW AVENUE  
(60' WIDE)



1" = 30'

ADDRESS: 14 WEST ELMVIEW AVENUE, LACKAWANNA NEW YORK  
DATE OF SURVEY: 07/15/21 DATE OF MAP: 07/20/21  
SURVEY REFERENCE: COVER 1886

LEGAL: PART OF LOT-344, T-10, R-7 OF THE BUFFALO CREEK RESERVATION DISTINGUISHED AS SUBLOTS 1 & 2 UNDER MAP COVER 1886, CITY OF LACKAWANNA, ERIE COUNTY, NEW YORK STATE.  
NO PROPERTY CORNER WERE SET AS PART OF THIS SURVEY

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF NEW YORK STATE EDUCATION LAW

REQUESTED BY: Christopher J. Tyrpak, Esq.

GENZEL LAND SURVEYING, P.C. ©2021  
7033 COLE ROAD COLDEN, NEW YORK 14033  
PH: (716) 667-9733 EMAIL: JEFF@GENZELSURVEY.COM  
JOB NO. 7733 DATE: 07/20/21 DWN. BY: DJK

THIS MAP VOID UNLESS STAMPED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL NO 090803

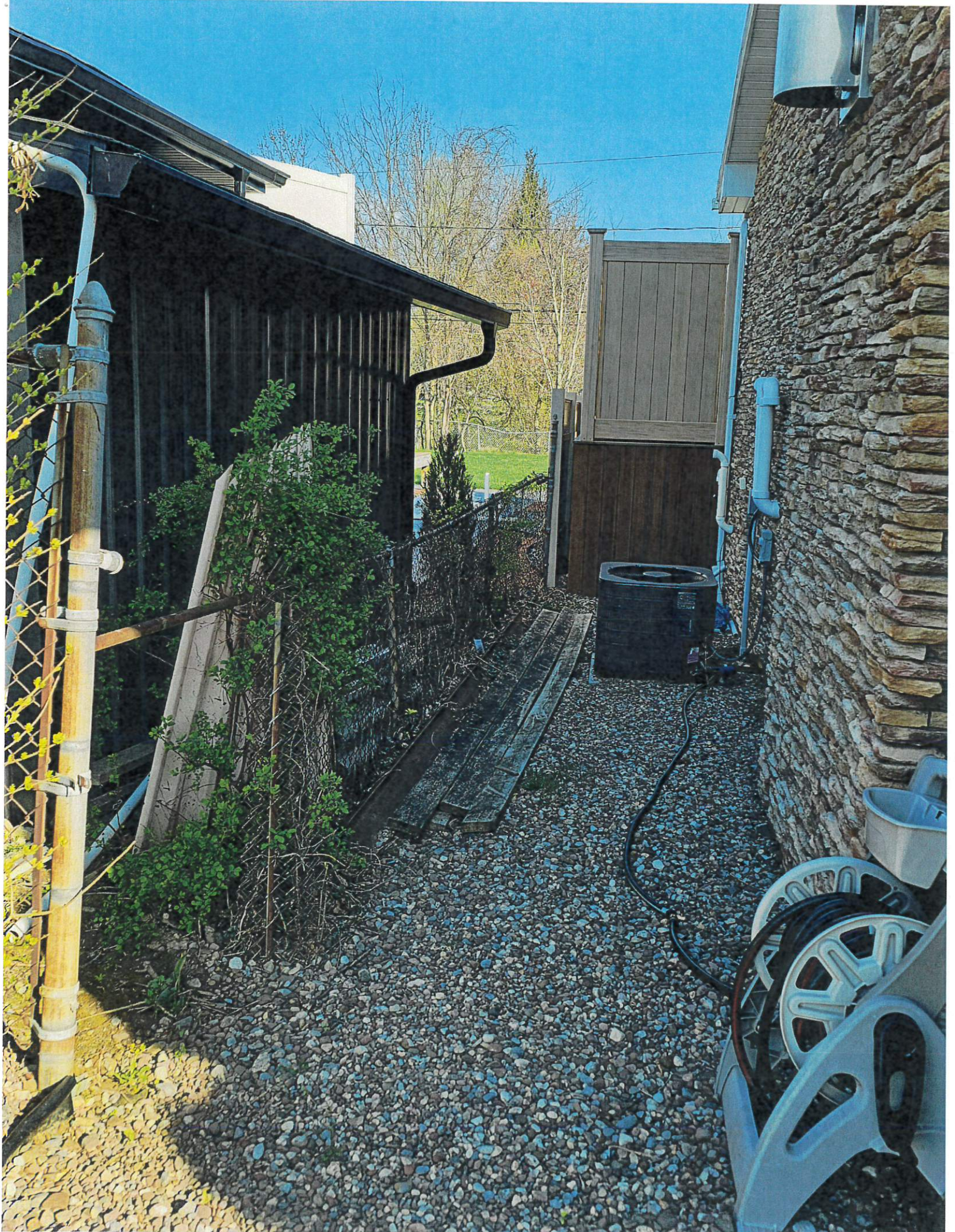
14  
w. Elview



← #14  
W. Elmview

20 →  
W. Elmview









# CITY OF LACKAWANNA OFFICE OF CODE ENFORCEMENT

714 Ridge Road – Room 311  
Lackawanna, NY 14218  
Tel: (716) 827-6474 Fax: (716) 827-1866



Date 4/29/26

Agenda Checklist  
Zoning Board of Appeals  
Planning and Development Board

Property address 14 AND 28 W. ELMVIEW.

Reason in front of the board FENCE HEIGHT VARIANCE

Special use permit needed for Zoning? Yes  No  Planning? Yes  No

Agenda Applicant ARAF ALI

Agenda item 8 FOOT TALL FENCING IN REAR OF PROPERTY'S

Zone SINGLE FAMILY RESIDENTIAL

Use variance needed? Yes  No

Description of use variance (not allowed in that zone) ✓

Area variance needed? Yes  No

Description of area variances needed (Parking/ height ect...) ASKING FOR 8 FOOT TALL FENCING IN REAR PROPERTY'S

Description of agenda use? JULY 25TH 2023 RECEIVED VARIANCE NEVER PULLED THE PERMIT AND FENCE NOT INSTALLED. VARIANCE APPROVAL TIMED OUT.

Code enforcement research (attached if applicable) YES

Legal opinion/ research (attached if applicable) NO

Scott Hayes  
Code Enforcement Officer



**City of Lackawanna**  
**Department of Development / Code Enforcement**  
714 Ridge Road – Room 309 / Room 311  
Lackawanna, NY 14218  
Tel: (716) 827-6421 Fax: (716) 827-1866



---

April 23, 2026

Dear Zoning Board of Appeals,

Included in your packet are two (2) agenda items for the same property owner, Araif Ali. He is the owner of 14, 20, and 28 West Elmview Avenue. He is on the April 29, 2026 Zoning agenda to request a variance for an 8ft tall privacy fence in the rear of the properties, at 14 and 28 West Elmview. On July 25, 2023 the property owner was in front of the Zoning Board for the same request and was granted approval at that time. The property owner did not move forward with the 8ft tall fence and the approval was near expiration. The property owner, through their attorney, discussed a potential six (6) month extension with Code Enforcement on January 4, 2024. A six (6) month extension was granted, and the property owner did not commence erecting the 8ft tall fence at either property within that time frame either. The property owner approached the city in 2026 requesting a permit to erect the 8ft tall fencing at both properties, but was told the approval expired. This is why the applicant is in front of you.

Thank you,

Department of Development



CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT

714 Ridge Road – Room 309  
Lackawanna, NY 14218  
Tel: (716) 827-6421 Fax: (716) 827-1866



APPLICATION  
TO THE CITY OF LACKAWANNA  
ZONING BOARD OF APPEALS

Date: 3-27-26

Application No. \_\_\_\_\_

Application Fee:

Fee

Land Use Variance  
 Zoning Law Appeal

\$ 250.00  
\$ 250.00

Property Address: 28 W. Elmview Ave

S.B.L. No. \_\_\_\_\_

Description of Action to be Appealed: To erect a 8ft  
fence.

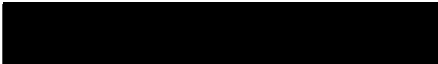
APPLICATION IS HEREBY MADE to the City of Lackawanna Zoning Board of Appeals for a Land Use Variance and/or Zoning Law Appeal as required by the Municipal Code of the City of Lackawanna. The applicant hereby agrees to comply with all applicable laws, rules, ordinances and regulations.

Director of Development

Arif Ali  
Name of Applicant



Signature of Applicant



Address of Applicant



Applicant Phone No.

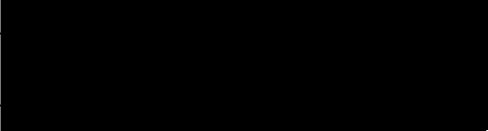


Applicant's Email

Owner  
Role of Applicant to Project  
(owner, attorney, lessee, agent,  
architect, engineer, contractor...)

Property Owner:

NAME: Arif Ali

Address: 

Property Address: 08 W. Elmview Ave.

1. Will 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 area variance, and if not why not?

No, it will not cause undesirable change because there is currently a fence here.

2. Can the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance, and if not why not?

No, a fence would be the only means to obtain the privacy consistently.

3. Is the requested area variance is substantial when considered against adopted area zoning regulations?

No

4. Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

No

5. Is 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, but it is for privacy behind the front foundation of the property



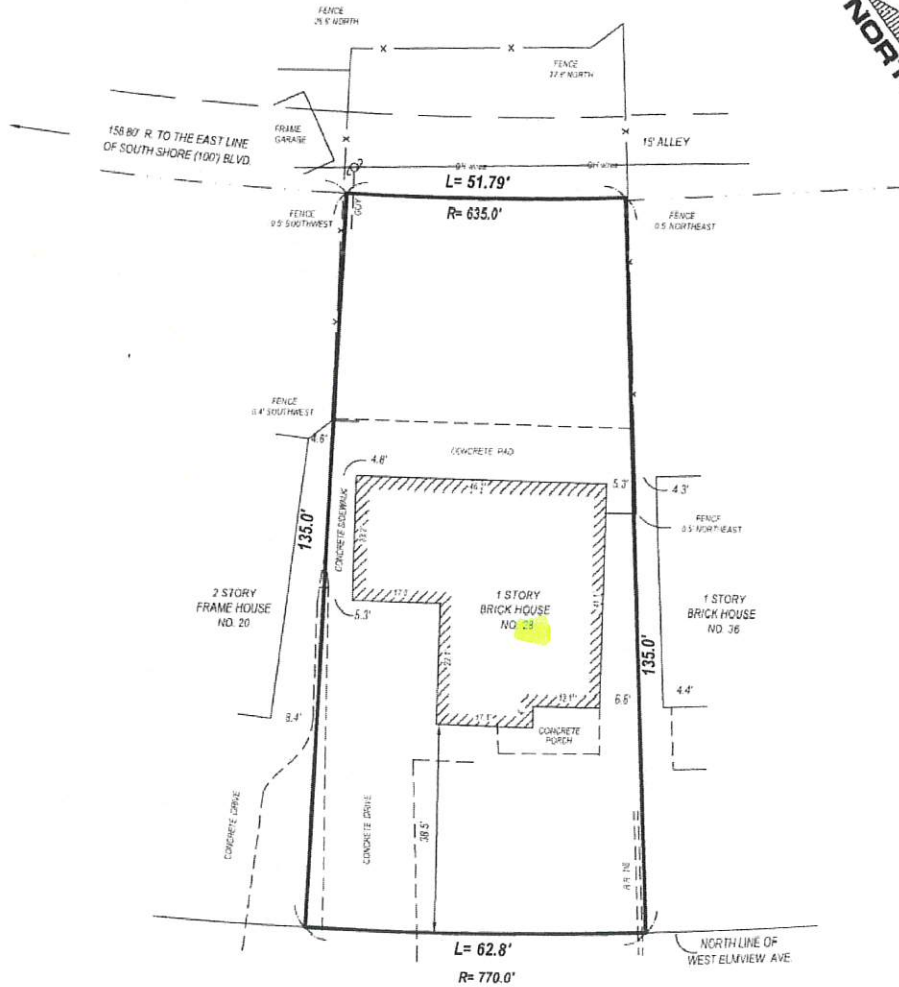
Sign Above, Print Name Below

Arif Ali

\*Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, sub-division 2, of the New York State Education Law.\*

\*Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid true copies.\*

JOB NO. 2022064



WEST ELMVIEW (60' WIDE) AVENUE

**SURVEY OF:**  
 PART OF LOT 344, T.10 - R.7, B.C.I.R.  
 SUBLOT 3, MAP COVER 1886  
 CITY OF LACKAWANNA, ERIE COUNTY, N.Y.  
 SCALE: 1" = 20'                      DATE: MAY 24, 2022

**RICHARD J. ARONICA**  
 LAND SURVEYOR NYS 49799  
 10559 ROCKY MOUNTAIN ROAD  
 P.O. BOX 339  
 NORTH COLLINS, NEW YORK 14111  
 PHONE: 716-337-3420

28  
W. Elmview



28 W. Elmview









CITY OF LACKAWANNA  
OFFICE OF CODE ENFORCEMENT

714 Ridge Road – Room 311  
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Tel: (716) 827-6474 Fax: (716) 827-1866



Date 4/29/20

Agenda Checklist  
Zoning Board of Appeals  
Planning and Development Board

Property address 50 LEO

Reason in front of the board EXPANDING EXISTING GARAGE

Special use permit needed for Zoning? Yes  No  Planning? Yes  No

Agenda Applicant BRIAN FITZPATRICK

Agenda item SIDEYARD VARIANCE / SITE PLAN

Zone MIXED RESIDENTIAL

Use variance needed? Yes  No

Description of use variance (not allowed in that zone) /

Area variance needed? Yes  No

Description of area variances needed (Parking/ height ect...) EXISTING GARAGE  
EXPANSION ON PROPERTY LINE. 10 FOOT FRONT  
EXPANSION OF BUILDING AND RAISE ROOF FOR 14 FOOT  
GARAGE DOOR

Description of agenda use? SAME

Code enforcement research (attached if applicable) YES

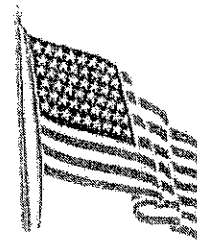
Legal opinion/ research (attached if applicable) NO

Scott Hayes  
Code Enforcement Officer



**CITY OF LACKAWANNA**  
**DEPARTMENT OF DEVELOPMENT**

714 Ridge Road – Room 309  
 Lackawanna, NY 14218  
 Tel: (716) 827-6421 Fax: (716) 827-1866



APPLICATION  
 TO THE CITY OF LACKAWANNA  
 ZONING BOARD OF APPEALS

Date: 4/10/26

Application No. \_\_\_\_\_

Application Fee:	Fee
<u>        </u> Land Use Variance	\$ 250.00
<u>  X  </u> Zoning Law Appeal	\$ <u>250.00</u>

Property Address: 50 Leo Pl

S.B.L. No. \_\_\_\_\_

Description of Action to be Appealed: I would like to add  
10' to the front of the existing building, but  
the building sits property line to property line  
running east/west.

APPLICATION IS HEREBY MADE to the City of Lackawanna Zoning Board of Appeals for a Land Use Variance and/or Zoning Law Appeal as required by the Municipal Code of the City of Lackawanna. The applicant hereby agrees to comply with all applicable laws, rules, ordinances and regulations.

Director of Development

Brian Fitzpatrick  
Name of Applicant

[Redacted Signature]

Signature of Applicant

[Redacted Address]

Address of Applicant

[Redacted Phone No.]

Applicant Phone No.

[Redacted Email]

Applicant's Email

owner  
Role of Applicant to Project  
(owner, attorney, lessee, agent,  
architect, engineer, contractor...)

Property Owner:

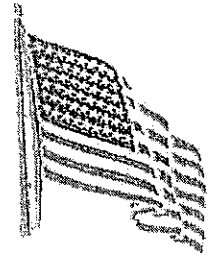
NAME: Brian Fitzpatrick

Address [Redacted]



**CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT**

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Tel: (716) 827-6474 Fax: (716) 827-1866



---

**City of Lackawanna Criteria for an Area Variance**

**(All applicants must answer questions below when an Area Variance is sought)**

Before the Zoning Board of Appeals may grant an Area Variance the Applicant must provide proof of, and the ZBA must consider the following:

- (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 area variance;
  - (2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
  - (3) whether the requested area variance is substantial;
  - (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - (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.
- (c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

In order to establish the above please complete the questions below (Please feel free to use additional pages if necessary):

Property Address: 50 Leo Pl

1. Will 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 area variance, and if not why not?

No, because I'm adding to the front of the building and the height which will allow me to park trucks inside & store materials inside rather than out.

2. Can the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance, and if not why not?

No, because the building is not tall ~~at~~ or big enough.

3. Is the requested area variance is substantial when considered against adopted area zoning regulations?

No

4. Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

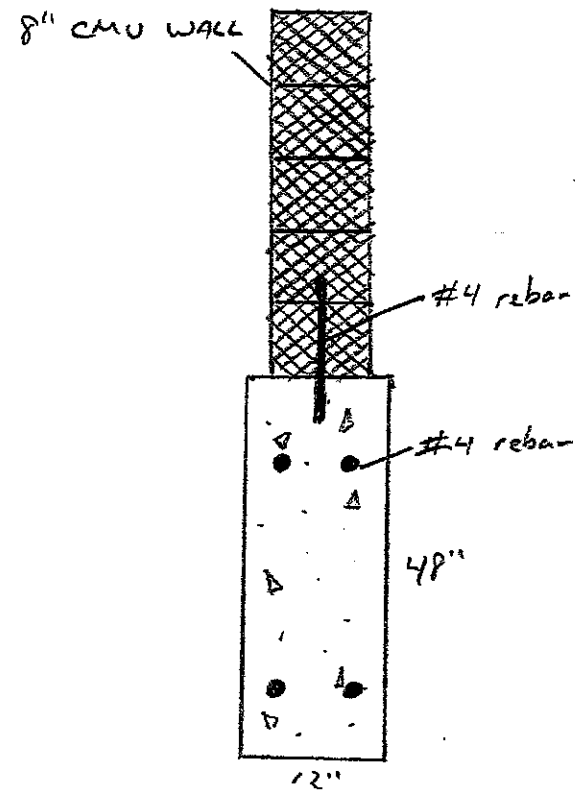
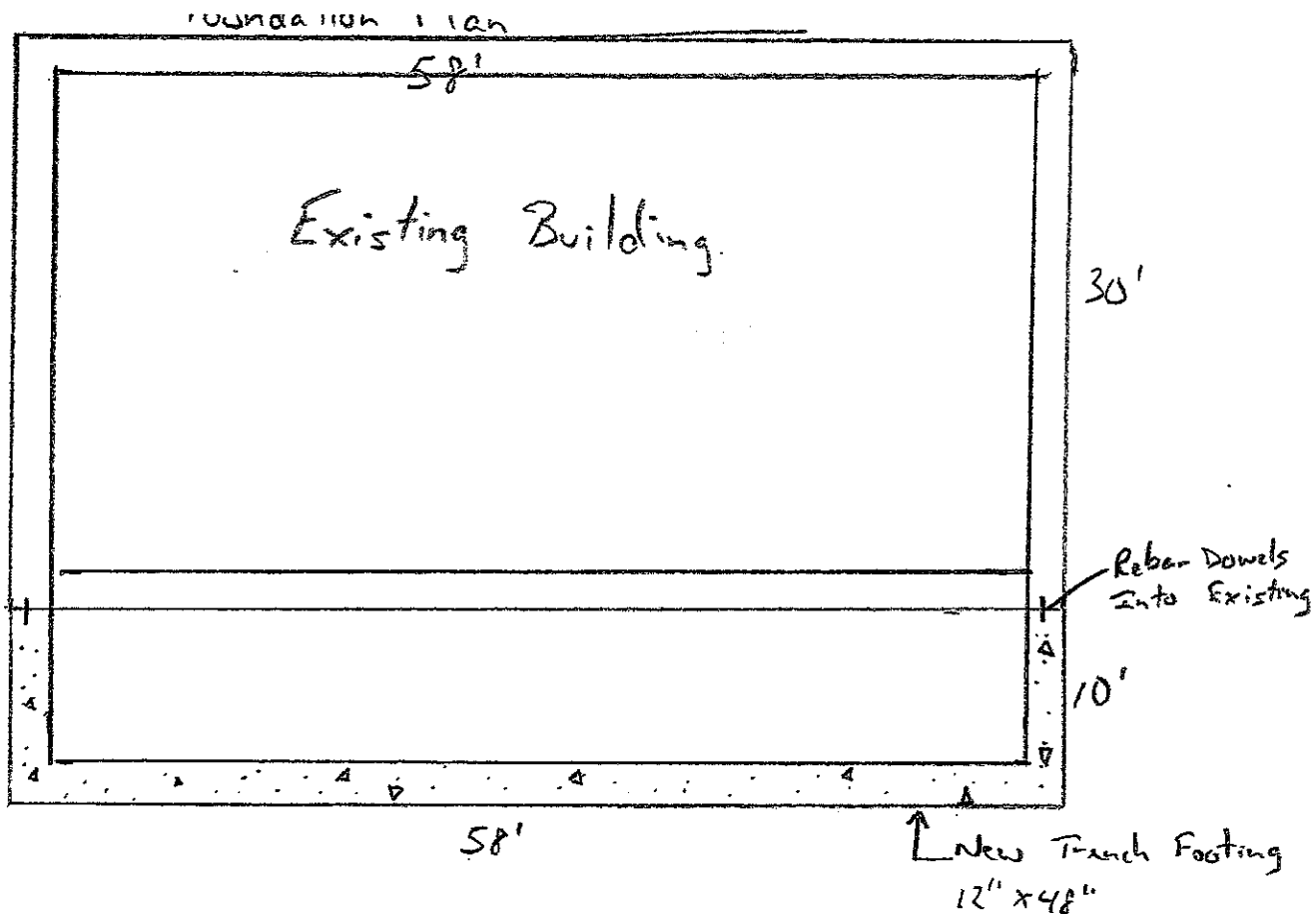
No

5. Is 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?

no

Sign Above, Print Name Below

Brian Fitzpatrick



Trench Pour 3500psi Concrete  
Foundation Detail

\* Proposed Addition for  
50 Leo Place, Lackawanna, NY 14218  
Brian Fitzpatrick



58'

Existing Building

10'

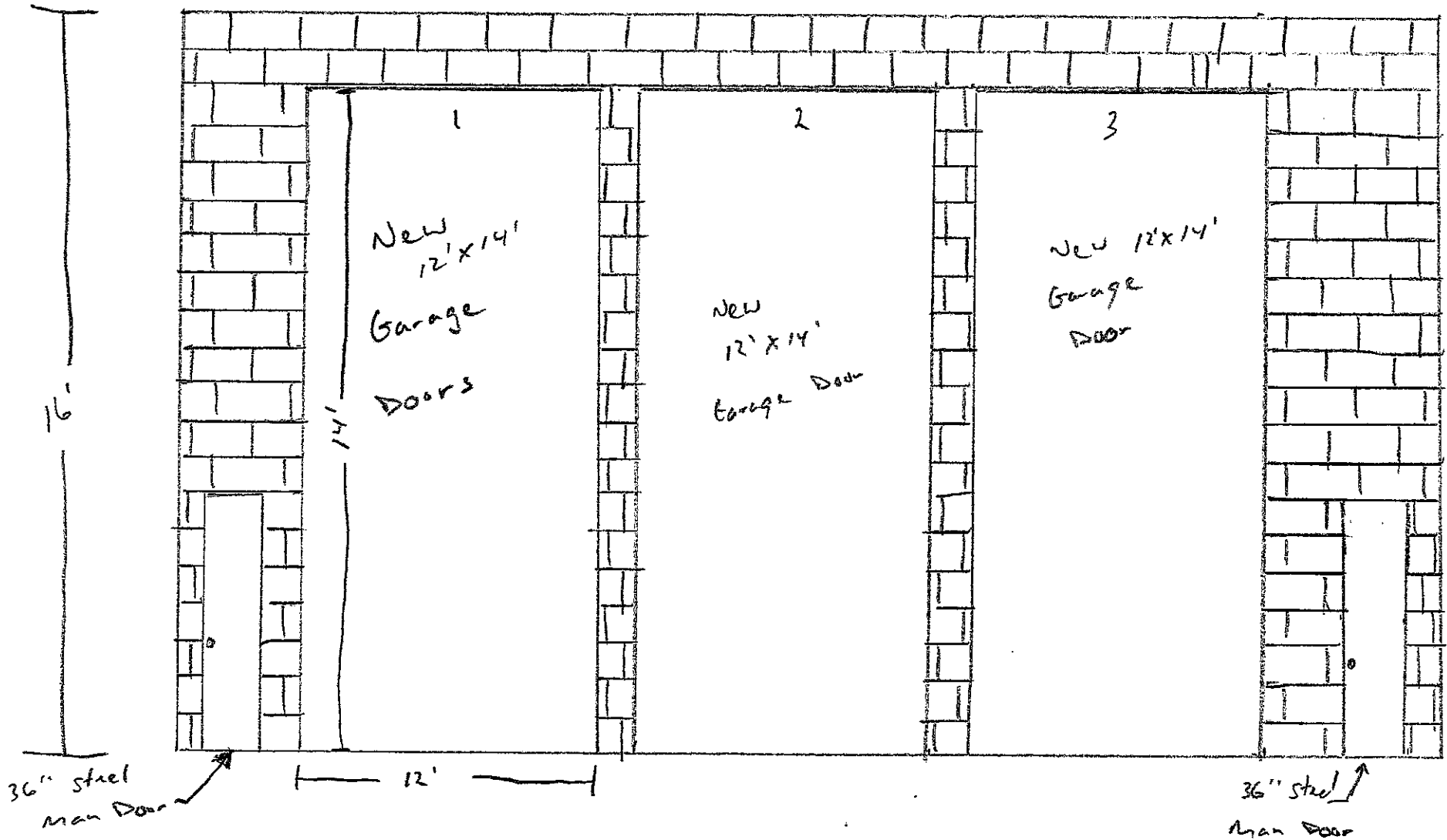
NEW ADDITION ↑

Parking For Employees  
Trailers & Equipment

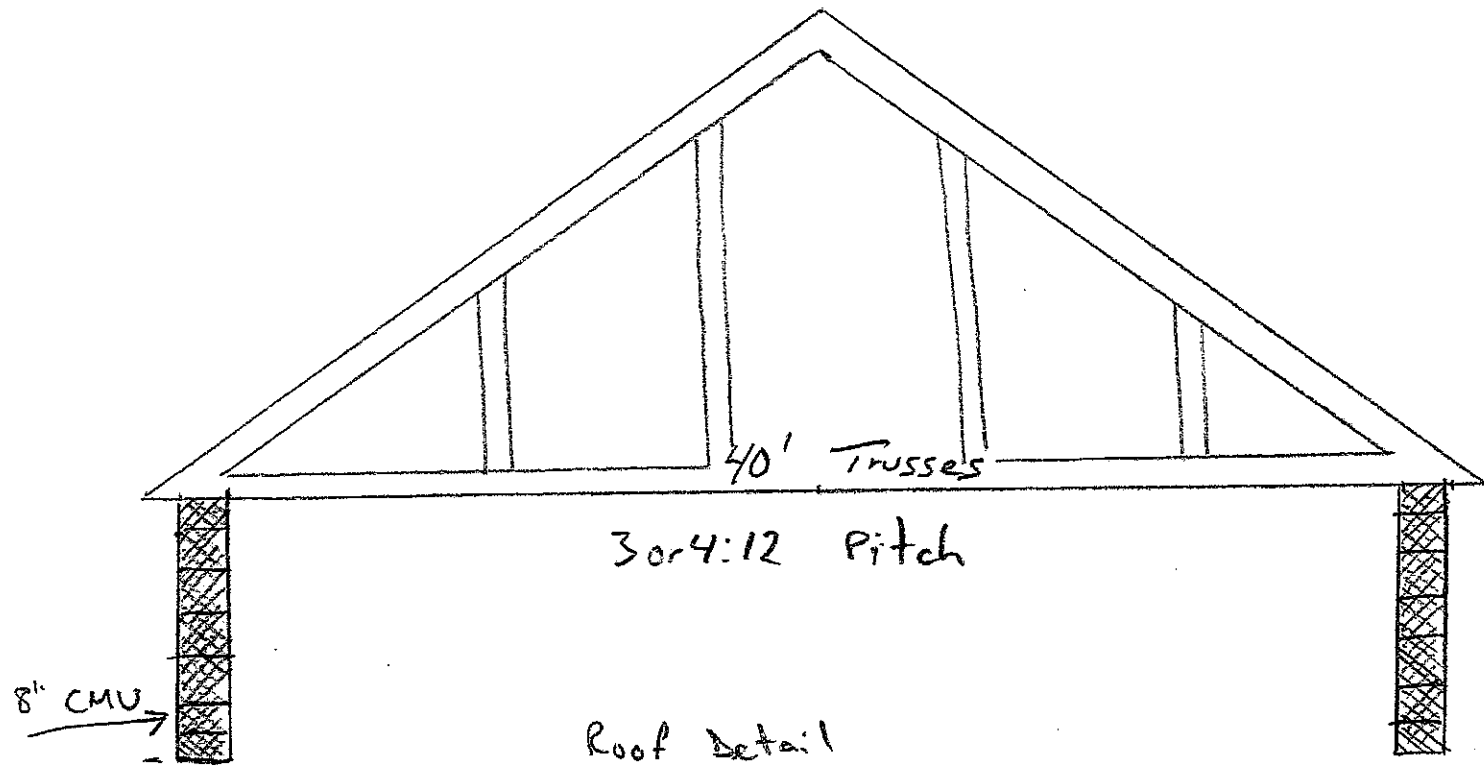
Public Walk

APRON

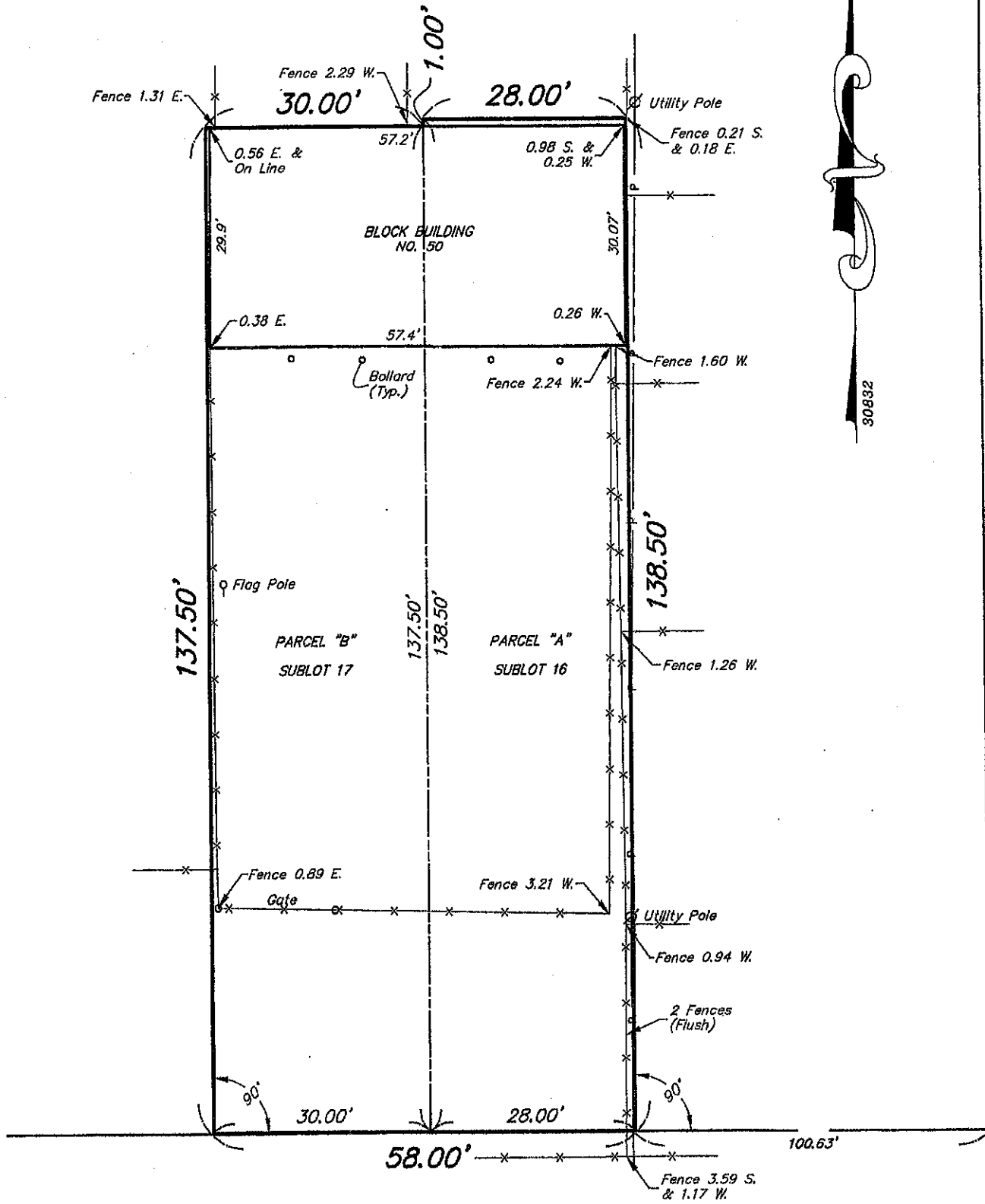
LEO PL



- ③ - W12 x 22 Galvanized I-Beam x 13'4" for over new garage doors  
 - 4" x 3" x 5/16" Galvanized Angle over man doors



Roof Detail  
Side



SOUTH PARK (66' WIDE) AVENUE

LEO (50' WIDE) PLACE



**CITY OF LACKAWANNA**  
**OFFICE OF CODE ENFORCEMENT**

714 Ridge Road – Room 311  
Lackawanna, NY 14218  
Tel: (716) 827-6474 Fax: (716) 827-1866



Date 4/29/26

Agenda Checklist  
Zoning Board of Appeals  
Planning and Development Board

Property address 19 MONROE

Reason in front of the board SIDE YARD VARIANCE

Special use permit needed for Zoning? Yes/No  No Planning? Yes/No  No

Agenda Applicant RICHARD MAXWELL

Agenda item SIDE YARD VARIANCE

Zone MIXED RESIDENTIAL

Use variance needed? Yes  No

Description of use variance (not allowed in that zone) /

Area variance needed?  Yes / No

Description of area variances needed (Parking/ height ect...) WANTS TO BUILD A 3 CAR GARAGE 2 FEET FROM PROPERTY LINE. CODE IN MR. ZONE NEEDS 5 FEET /

Description of agenda use? 3 FT VARIANCE

Code enforcement research (attached if applicable) YES

Legal opinion/ research (attached if applicable) NO

Scott Hayes  
Code Enforcement Officer



**CITY OF LACKAWANNA**  
**DEPARTMENT OF DEVELOPMENT**

714 Ridge Road – Room 309  
 Lackawanna, NY 14218  
 Tel: (716) 827-6421 Fax: (716) 827-1866



APPLICATION  
 TO THE CITY OF LACKAWANNA  
 ZONING BOARD OF APPEALS

Date: 4-10-26

Application No. \_\_\_\_\_

Application Fee:

Fee

Land Use Variance  
 Zoning Law Appeal

\$ 250.00  
 \$ 250.00

Property Address: 19 MONROE ST

S.B.L. No. \_\_\_\_\_

Description of Action to be Appealed: BUILDING (2) CAR-  
GARAGE 2' OFF NEIGHBORS FENCE  
LINE

APPLICATION IS HEREBY MADE to the City of Lackawanna Zoning Board of Appeals for a Land Use Variance and/or Zoning Law Appeal as required by the Municipal Code of the City of Lackawanna. The applicant hereby agrees to comply with all applicable laws, rules, ordinances and regulations.

Director of Development

RICHARD MAXWELL

Name of Applicant

[Redacted Signature]

Signature of Applicant

[Redacted Address]

Address of Applicant

[Redacted Phone No.]

Applicant Phone No.

Applicant's Email

OWNER  
Role of Applicant to Project  
(owner, attorney, lessee, agent,  
architect, engineer, contractor...)

Property Owner:

NAME: RICHARD MAXWELL

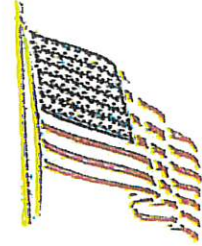
Address:

[Redacted Address]



**CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT**

714 Ridge Road – Room 309  
Lackawanna, NY 14218  
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**City of Lackawanna Criteria for an Area Variance**

**(All applicants must answer questions below when an Area Variance is sought)**

Before the Zoning Board of Appeals may grant an Area Variance the Applicant must provide proof of, and the ZBA must consider the following:

- (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 area variance;
  - (2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
  - (3) whether the requested area variance is substantial;
  - (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - (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.
- (c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

In order to establish the above please complete the questions below (Please feel free to use additional pages if necessary):

Property Address: 19

1. Will 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 area variance, and if not why not?

NO IT SETS 35' OFF SIDEWALK  
AND THERE IS ALREADY A STRUCTURE TO BE  
REMOVED

2. Can the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance, and if not why not?

NO PROPERTY IS ONLY SO BIG

3. Is the requested area variance is substantial when considered against adopted area zoning regulations?

NO

4. Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

NO

5. Is 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?

NO



Sign Above, Print Name Below

RICHARD MAXWELL

Not to Scale

< Back ×

Address  
**19 Monroe Street, Buffalo, New York 14218, United States**

Overview **Hunt Unit** Content >

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**Address**

Name  
 19 Monroe Street, Buffalo, New York 14218, United States

📍 **Coordinates** 42.81609, -78.82647 Copy

