

A meeting of the Village of Middleport's Zoning Board of Appeals was held on Tuesday, February 13, 2024, at 6:00 p.m. in the Village Hall to address an application for an Area Variance permit to build an addition at the business located at 3 N Main Street, Middleport, NY.

Present were ZBA members Barbara Albone, Richard Scarborough, and Chairperson Richard Schweigert. Also present were attorney, Tom Seaman, and Clerk-Treasurer Lisa VanBuren to record the minutes.

Applicant Donald Heschke was present, as well.

Chairperson Schweigert led the Pledge of Allegiance.

At this time Mr. Heschke was asked as to why he wanted this area variance and if he had considered other alternatives. Mr. Heschke explained that the business has simply outgrown the current space they have to operate. They want to construct a building addition on the two vacant lots that SigmaMotor Inc owns. This building would primarily be for storage and light assembly work. Mr. Heschke explained that the new building also includes plans for the loading and unloading of trucks off of the street that they are currently doing on the street due to lack of space. This practice is a safety hazard for his employees as well as the residents of the Village. SigmaMotor Inc is a family-owned business that has operated in the Village of Middleport for several years, and they want to continue to operate in the Village.

The ZBA reviewed the following criteria:

- The addition cannot be achieved by any other means feasible to the applicant.
- There is no undesirable change to the character of the neighborhood or to nearby properties.
- The area variance request is as follows;
  - Front setback proposal of 11.6 feet rather than the required 25 feet.
  - Side setback proposal of 13 feet rather than the required 50 feet.
  - Back setback proposal of 17 feet rather than the required 25 feet.
- Mr. Heschke's request will not have an adverse physical or environmental impact.
- The reason for the request is somewhat self-created to the extent that the business needs additional space to operate effectively.

Chairperson Schweigert opened the Public Hearing at 6:15 pm.

PLEASE TAKE NOTICE that a Public Hearing will be held by the Village of Middleport Zoning Board of Appeals, Niagara County, New York, on the 13th day of February, 2024, commencing at 6:00 p.m., at the Village Hall, 24 Main Street, Middleport, New York, to hear and consider the following property and property owner:

OWNER/APPLICANT: Donald Heschke  
PROPERTY LOCATION: 6 Mill Street and 8 Mill Street  
(Tax Map No. 85.16-1-39 and 85.16-1-38)  
Middleport, Niagara County, New York

APPLICATION requesting an area variance with front, side and rear yard setbacks in relation to a new building addition on the premises located at 6 and 8 Mill Street, Middleport, NY.

All interested parties will be heard by the Village of Middleport Zoning Board of Appeals at said Public Hearing.

A motion was made by Chairperson Schweigert, and seconded by Mrs. Albone, to close the Public Hearing at 6:15 pm. Carried, with all present voting aye.

**Village of Middleport  
Zoning Board of Appeals  
Area Variance Resolution**

Whereas, this Board makes the following determinations:

- a) No undesirable change will be produced in this neighborhood because there is already an ongoing business in operation at the location
- b) The benefit sought by the applicant, an expansion of business space, cannot be achieved in any other way
- c) The request is substantial, but the lots are currently vacant and hard to develop without area variances
- d) The proposed development will not have any adverse effect or impact on the physical or environmental conditions in the neighborhood, as these lots are currently vacant and the development will support an ongoing business
- e) The alleged difficulty is self-created in the sense that the applicant wants to expand his business, but the vacant lots are difficult to develop without area variances

Now therefore, be it determined that the benefit to the applicant out-weighs any detriment to the health safety and welfare of the community, and therefore the area variances for 6 and 8 Mill Street, Middleport NY are hereby granted, as presented, contingent on the following:

- 1) Approval is applicable to both R-1 and Light Industrial use districts.
- 2) Approval is contingent on Applicant combining three parcels of 6 Mill, 8 Mill and 5 Terry into a single parcel.
- 3) Approval is contingent on the Village Board approving the applicant's site plan and zoning change request.

A motion was made by Mr. Scarborough, and seconded by Mrs. Albone to approve the area variance application to construct a building addition to Mr. Donald Heschke, President, SigmaMotor Inc. at 6 Mill Street and 8 Mill Street. Carried, with all present voting aye.

The Zoning Board of Appeals having held a Public Hearing this date in the matter of an Application for a Variance, as set forth in the Application, and

After review and discussion, and based upon the finding to be set forth in the minutes, this Board hereby:

DENIES the request set forth in the Application.

GRANTS the requested Variance, as set forth in the Application, subject to the following conditions: See motion to approve

There being no other business, a motion was made by Mrs. Albone, and seconded by Mr. Scarborough, to adjourn. Carried, with all present voting aye.

Meeting adjourned at 6:17 p.m.

*Respectfully Submitted,*

*Lisa M. VanBuren  
Clerk-Treasurer*