

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
November 24, 2015 Meeting

Members:

Wolfgang Buechler, Chairman
Lee Daigler
James Schlemmer
James G. Meholick, Secretary
Dennis Welka

The ZBA open regular meeting was called to order by Mr. Wolfgang Buechler at 7:10 PM. All ZBA members, and The Town Prosecutor, Mr. Ned Perlman, were present at the meeting. No changes to the ZBA agenda submitted by Wolfgang Buechler were made.

PUBLIC HEARINGS:

Jeff & Jackie Duncan (Continuation of October 27th Meeting)
6650 Sheetram Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning Ordinance of the Town of Pendleton to construct a new 24 ft. x 32 ft. (768 sq. ft.) accessory structure where the maximum allowed is 600 sq. ft. per town code. The area variance request would be 168 sq. ft. as per Code Section 247-34.E.(1). The size of the property is approximately 1.3 acres and is R-2 medium density residential zoning.

Mr. Buechler indicated that he had contacted the building inspector's office and that Mr. Duncan had agreed to remove the existing 8 ft. x 8 ft. (64 sq. ft.) metal shed, and an additional 12 ft. x 12 ft. (144 sq. ft.) shed on the property that was not included in the original variance request. Mr. Duncan preferred to keep the 8 ft. x 8 ft. (64 sq. ft.) tree house for his children. The total aggregate area for the two structures was revised to 832 sq. feet, and the area variance request was amended from 168 to 234 sq. feet.

The formal public hearing was closed at approximately 7:15 PM.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Jim Schlemmer to accept the minutes of the October 27, 2015 meeting and was seconded by Lee Daigler. All voted in favor.

Specific Board Deliberation Actions:

**Jeff & Jackie Duncan
6650 Sheetram Road
Pendleton, New York**

The ZBA board reviewed the Area Variance tests, and commented as follows:

- 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?

The board members felt that the granting of the variance would not have an undesirable effect on the character of the neighborhood as the home improvement would have a positive impact on the neighborhood as it would eliminate two older sheds.

- b. Are there alternative solutions that would not require a variance?

It was agreed that the alternative solution would be to construct a smaller accessory structure.

- c. Is the requested variance substantial?

It was agreed that the variance request was substantial as it was approximately 40% greater than town code.

- d. Will the variance have an adverse effect on the physical or environmental conditions in the neighborhood or district?

It was agreed that the variance request would not have an adverse effect on the physical or environmental conditions in the neighborhood.

- e. Is the applicant's difficulty self-created?

It was agreed that the applicant's difficulty was self-created.

A motion was made by Mr. Daigler to approve the variance of 232 sq. ft. of aggregate accessory structure size; conditional upon removal of the 8 ft. x 8 ft. metal shed & 12 ft. x 12 ft. shed and a 16 ft. maximum height limit on the new structure, and to impose a one year time limit on completion of the proposed project. The motion was seconded by Mr. Schlemmer. Mr. Buechler, Mr. Daigler, and Mr. Schlemmer voted in favor of the motion, and Mr. Welka and Mr. Meholick voted against the motion. The variance request was granted.

Correspondence: *None*

Special Topics: *None*

Miscellaneous ZBA Topics:

1. Next ZBA meeting is scheduled for Tuesday, December 22, 2015, at 7:00PM.

A motion was made by Jim Schlemmer to adjourn the meeting at 8:10 PM, and seconded by Wolf Buechler.

Submitted by:

James G. Meholick
Secretary