

## **PENDLETON ZBA AGENDA**

### **TUESDAY, 10/25/16 7:00 PM**

1. Public Hearings
  - a. Kuriscak, Ken – 7188 Creekbend Drive. Owner wishes to construct an accessory structure at a front yard setback of 144 ft. where 150 ft. minimum front yard setback is required per Town Code §247-34.F(2)(a). Property is 0.5 acres and zoned R2 Medium-density Residential.
  - b. Riggles, Michael – 6906 Bear Ridge Rd. Owner wishes to construct an accessory structure of 1232 sq. ft. There is an existing structure of 384 sq. ft. on the property for a total proposed aggregate accessory structure size of 1616 sq. ft. where 1200 sq. ft. maximum is allowed per Town Code §247-34.E(2). Property is 3.79 acres and zoned R2 Medium-density Residential.
  - c. Scozzafava, Tom – 7338 Paddock Ridge. Owner wishes to construct a 16 ft. x 22 ft. (352 sq. ft.) accessory structure at a side yard setback of 12.37 ft. and a front yard setback of 89.73 ft. where minimum 15 ft. side yard setback and minimum 150 ft. front yard setback are required per Town Codes §247-34.F(2)(b) and §247-34.F(2)(a), respectively. Property is 0.57 acres and zoned R2 Medium-density Residential.
2. Open regular meeting of ZBA
3. Changes to agenda
4. New Inquires to ZBA
5. Review minutes from prior meeting
  - a. Minutes 09/27/16  
<http://pendletonny.us/wp-content/uploads/2010/11/ZBA-September-2016.pdf>
6. Deliberation on Hearing
  - a. Kuriscak
  - b. Riggles
  - c. Scozzafava
7. Correspondence
  - a. TBD – based on inbox at Town Hall
8. Special Topics
9. Miscellaneous ZBA items:
  - a. Attendance: next meeting, Tuesday 22 November 2016 7:00 PM
  - b. Comments: ZBA members, Legal
10. Adjourn regular meeting

## **Area Variance Considerations**

1. Benefit to applicant vs Detriment to community
2. Mandatory considerations:
  - 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
  - b. Are there alternative solutions that would not require a variance
  - c. Is the requested variance substantial
  - d. Will the variance have an adverse effect on the physical or environmental conditions in the neighborhood or district
  - e. Is the applicant's difficulty self-created

## **Use Variance Requirements**

No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

- (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4) that the alleged hardship has not been self-created.