

**PENDLETON ZBA AGENDA
TUESDAY, 03/28/17 7:00 PM**

1. Public Hearings
 - a. Andruchat, Jim – 7200 Campbell Blvd. Owner wishes to construct a 2,400 sq. ft. accessory structure where 2,000 sq. ft. is the maximum allowed per Town Code §247-34.E(3). Area variance sought is 400 sq. ft. accessory structure size variance. Property is over 7 acres and zoned R2 Medium-density Residential.
 - b. Deberny, David – 5731 Fisk Rd. Owners wishes to construct a 10 ft. x 14 ft. accessory structure on a vacant lot adjacent to the owners' residential lot where Town Code §247-34.A(3) requires accessory structures to be located on the same lot as the principal residence. Property is 1.4 acres and zoned R2 Medium-density Residential.
 - c. O'Hara, Sean (representing Ryan Homes) – 4993 Devonshire Rd. Owner wishes to construct as accessory structure at a front yard setback of 42 ft. where 150 ft. is the minimum allowed per Town Code §247-34.F(2)(a) and §247-26.A. Area variance sought is 108 ft. front yard setback variance. Property is 150 ft. x 250 ft. 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 2/28/17
 - b. <http://pendletonny.us/wp-content/uploads/2010/11/ZBA-February-2017.pdf>
6. Deliberation on Hearing(s)
 - a. Urban (continued) 6856 Transit Rd. Owner wishes to construct a high temperature air dome at a max height or 60 ft. where maximum building height specified in Town Code §247-13.J is 35 ft. Variance sought is 25 ft. structure height variance. Property is 155.4 acres and zoned CO2 Medium Commercial.
 - b. Blanton (continued) 5761 Dunnigan Rd. Owner wishes to construct a 24 ft. x 14 ft. (336 sq. ft.) accessory structure at a front yard setback of 100 ft. where 150 ft. is the minimum front yard setback allowed per Town Code §247-34.F(2)(a). Variance sought is 50 ft. accessory structure front yard setback variance. Property is 1.425 acres and zoned R2 Medium-density Residential.
7. Correspondence
 - a. TBD – based on inbox at Town Hall
8. Special Topics
9. Miscellaneous ZBA items:
 - a. Attendance: next meeting 25 Apr 2017 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.