

PENDLETON ZBA AGENDA

TUESDAY, 05/23/17 7:00 PM

1. Public Hearings
 - a. Flay, Steven – 4933 Mapleton Rd. Owner wishes to place a pre-constructed 12 ft. x 20 ft. (240 sq. ft.) accessory structure on an existing concrete pad from an old garage that has been previously removed. Resulting structure would have a side setback of 6.65 ft. where 15 ft. is the minimum required per Town Code §247-34.F(2)(b). Area variance sought is 8.35 ft. accessory structure side yard setback variance. Property is 1.15 acres and zoned R2 Medium-density Residential.
 - b. Gorman, Travis – 5998 Dunnigan Rd. Owner wishes to subdivide his property creating two lots with frontage of 166.4 ft. (left lot) and 167 ft. (right lot) where minimum frontage of 200 ft. is required per Town Code §247-14.F Total property size is 26.1 acres and zoned Light Industrial.
 - c. Winstel, John – 4097 Beach Ridge Rd. Prospective buyer wishes to utilize the property for his small general contracting business and is seeking a determination that this is a continuation of current non-conforming use. Proposed business specializes in exterior renovations and property maintenance. Property is 1.1 acres and zoned R1 Low-density Residential.
 - d. Worthington, Wayne – 7014 Bear Ridge Rd. Owner wishes to construct a 1440 sq. ft. detached garage where 1200 sq. ft. maximum is allowed per Town Code §247-10(I). Variance sought is 240 sq. ft. of detached garage size variance. Property is 1.9 acres and zoned R1 Low-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 4/25/17
 - b. <http://pendletonny.us/wp-content/uploads/2010/11/ZBA-April-2017.pdf>
6. Deliberation on Hearing(s)
 - a. Braunscheidel, Robert – 7002 Creekview Dr. (Public Hearing 25 April 2017) Owner wishes to construct a 10 ft. x 24 ft. (240 sq. ft.) addition to an existing 24 ft. x 24 ft. (576 sq. ft.) accessory structure for a total accessory structure size of 816 sq. ft. where 600 sq. ft. is the maximum allowed per Town Code §247-34.E(1). Area variance sought is 216 sq. ft. accessory structure size variance. Property is 0.717 acres and zoned R1 Low-density Residential.
 - b. Brauer, Robert and Suzanne (Sean Hopkins as Representative) – property is located immediately north of The Meadows subdivision on east side of Campbell Blvd. (Public Hearing 25 April 2017) Proposed new subdivision, in conjunction with the existing subdivision “The Meadows” will require depth and area variances on several lots per Town Code §247-11.C(1) and §247-11.C(5). Area variances sought vary per affected lot. Total property size is 53.2 acres and zoned R2 Medium-density Residential.
7. Correspondence. TBD – based on inbox at Town Hall

8. Special Topics

9. Miscellaneous ZBA items:

- a. Attendance: next meeting
 - i. 25 May 2017 7:00 PM Public Hearing (Empire)
 - ii. 27 June 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.