

PENDLETON ZBA AGENDA TUESDAY, 06/27/17 7:00 PM

1. Public Hearings

- a. Clark, Kevin – 5427 Oakwood Dr. Owner wishes to construct a 20 ft. x 30 ft. (600 sq. ft.) addition, as well as, an 8 ft. x 32 ft. (256 sq. ft.) lean-to on an existing pole barn. The two additions total 856 sq. ft. bringing the total accessory structure area, including two existing structures, to 2056 sq. ft. where the maximum aggregate accessory structure size allowed is 1200 sq. ft. per Town Code §247-34.E(2). Area variance sought is 856 sq. ft. accessory structure size variance. Property is 5.0 acres and zoned R2 Medium-density Residential.
- b. Acker, Dale – 6555 Campbell Blvd. Owner wishes to construct a 1200 sq. ft. garage where, based on 50% of residence floor area, 600 sq. ft. is maximum allowed per Town Code §247-11.I. Owner wishes to construct the garage with a side setback of 12 ft. where 15 ft. is minimum required per Town Code §247-11.E. Area variances sought are 300 sq. ft. of garage size variance and 3 ft. side setback variance. Property is 1.5 acres and zoned R2 Medium-density Residential.
- c. Pinzone, Mary – 4729 Mapleton Rd. Owner wishes to construct a parking area in front of an existing building at a 30 ft. front setback where 50 ft. minimum front setback is required per Town Code §247-12.G.(2). Variance requested is 20 ft. front setback variance. Property is 1.46 acres and zoned Light Commercial.
- d. Meyer, Don – 5924 Fisk Rd. Owner wishes to construct a 48 ft. x 72 ft. (3456 sq. ft.) accessory structure where 1200 sq. ft. maximum is allowed per Town Code §247-34.E(2). Area variance sought is 2256 sq. ft. accessory structure area variance. Property is 5.1 acres and zoned R2 Medium-density Residential.
- e. Elberson, Tom – 5828 Dunnigan Rd. Owner wishes to construct an accessory structure on a vacant lot prior to construction of the primary residence where Town Code §247-11.A.(5), §247-34.A.(1), and §247-34.A(3) respectively require accessory structures to be “in conjunction with a principal residence”, “subordinate to ... the principal residence”, and “located on same lot as the principal residence”. Variance sought is right to build accessory structure prior to construction of residence. Property is 1.6 acres and zoned R2 Medium-density Residential.
- f. Winstel, John – 4097 Beach Ridge Rd. (Hearing continuation) 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.

2. Open regular meeting of ZBA

3. Changes to agenda

4. New Inquires to ZBA

5. Review minutes from prior meeting(s)

- a. Minutes 5/23/17, 5/25/17

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. Gorman, Travis – 5998 Dunnigan Rd. (Public Hearing 23 May 2017) 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. Worthington, Wayne – 7014 Bear Ridge Rd. (Public Hearing 23 May 2017) 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.
- d. Empire Pipeline, Inc. – 4281 Killian Rd. (Public Hearing 25 May 2017) Applicant requests a determination that it is an “essential service” under Town Code §247-4; or, in the alternative, requests a use variance to place, construct and/or operate a natural gas compressor facility on the site. Property is approximately 20 acres and zoned LI District: Light Industrial.
- e. Clark
- f. Acker
- g. Pinzone
- h. Meyer
- i. Elberson

7. Correspondence. TBD – based on inbox at Town Hall

8. Special Topics

9. Miscellaneous ZBA items:

- a. Attendance: next meeting
 - i. 25 July 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.