

**TOWN OF PENDLETON**  
**ZONING BOARD OF APPEALS**  
**November 28, 2017 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. Wolf Buechler at 7:00 PM. All ZBA members were present at the meeting. No changes were made to the ZBA agenda submitted by Wolfgang Buechler.

**PUBLIC HEARINGS:**     None

**REGULAR ZBA MEETING:**

***Review Minutes from Prior Meeting:***

A motion was made by Jim Schlemmer to accept the minutes of the October 24, 2017 meeting, and was seconded by Dennis Welka. All voted in favor.

***Specific Board Deliberation Actions:***

**Frederick Starr (Continued from November 2017)**  
**7294 Paddock Ridge**  
**Pendleton, New York**

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a 594 sq. ft. accessory structure on his property at a front yard setback of 108 ft. where a minimum of 150 ft. is required per Town Code. The front yard variance request would be 42 ft. as per Town Code §247-34.F.(2)(a). The property is approximately 1.1 acres and is R2 medium density residential zoning.

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 create an undesirable change to the neighborhood and nearby properties. In contrast, the proposed building at a compliant distance would impact the view from several neighboring properties.

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

It was agreed that a alternative solution would be to relocate the building further back on the property to meet town code.

- c. Is the requested variance substantial?

It was agreed that the requested variance request was substantial as it was approximately 30% closer than town code allows.

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

The board members felt that the variance 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. Meholick to grant the front yard variance as detailed in the request with a maximum 16 ft. height of the accessory structure, and the condition that the project be completed in one year. The motion was seconded by Mr. Schlemmer. Mr. Meholick, Mr. Schlemmer, Mr. Buechler & Mr. Daigler voted in favor, and Mr. Welka voted against. The variance request was approved.

***New Inquiries to ZBA:       None***

***Correspondence:       None***

***Special Topics:       None***

***Miscellaneous ZBA Topics:***

1. The next scheduled meeting will be on Tuesday, December 26, 2017, at 7:00PM.

A motion was made by Dennis Welka to adjourn the meeting at 7:55 PM, and seconded by Wolf Buechler. All voted in favor.

Submitted for:

James G. Meholick  
Secretary