

PENDLETON ZBA AGENDA TUESDAY, 03/27/18 7:00 PM

1. Public Hearings
 - a. Maurer, Blair – 4555 Meyer Road. Owner wishes to construct a 1680 sq. ft. building (1200 sq. ft. building with 480 sq. ft. overhang) where 1200 sq. ft. maximum is allowed. Owner also wishes to build at peak height of 22 ft. where 20 ft. maximum is allowed. Variances sought are 480 sq. ft. of accessory structure size and 2 ft. of accessory structure height. Relevant Town Codes are §247-34F(3)(d) and 247-34E(2). Property is 2.0 acres and zoned R2 Medium Residential.
 - b. Andrew Rawe 6971 Bear Ridge Road (Continued from 2/27/18) Owner is requesting an area variance of 1497 sq. ft. to construct a 44x66 (2640 sq. ft.). A maximum size of 2000 sq. ft. is allowed for this parcel of 21.9 acres. Also, there is an existing accessory building on the parcel that is 857 sq. ft. Requested variance was modified at public hearing to account for overhangs on both existing and proposed buildings.
 - c. Michael Blas 5300 Irish Road (Continued from 2/27/18) Owner wishes to construct a new single family home at a front yard setback of 300 feet where 250 feet is maximum allowable.
2. Open regular meeting of ZBA
3. Changes to agenda
4. New Inquires to ZBA
5. Review minutes from prior meeting(s)
 - a. 27 February 2018 – <http://pendletonny.us/wp-content/uploads/2018/03/114-ZBA-February-2018-Meeting-Minutes.pdf>
6. Deliberation on Hearing(s)
 - a. Rawe
 - b. Blas
 - c. Maurer
7. Correspondence. TBD – based on inbox at Town Hall
8. Special Topics - None
9. Miscellaneous ZBA items:
 - a. Attendance: next meeting
 - i. 24 April 2018 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.