

**PENDLETON ZBA AGENDA  
TUESDAY, 06/26/18 7:00 PM**

1. Public Hearings

**David & Patricia Chrzanowski 5191 Tonawanda Creek Road North Tonawanda, NY 14120** Owner wishes to construct an 1132 sq. ft. addition to an existing accessory structure of 864 sq. ft. Total building size would be 1996 sq. ft. where 600 sq. ft. is allowed by Town Code.

Town Ordinance Affected: §247-34.E.(1) Variance Sought: 1132 sq. ft. Current zoning: R-2 Size of Parcel 1.5 acres

**Richard Lindemuth 7237 Bear Ridge Road North Tonawanda, NY 14120**

Owner wishes to construct an additional accessory structure of 1200 sq. ft. on property where there is an existing 240 sq. ft. accessory structure for a total of 1440 sq. ft. where 600 sq. ft. maximum is allowed per Town Code §247-34.E(1)

Town Ordinance Affected: §247-34.E.(1) Variance Sought: 840 sq. ft. Current Zoning: R-2 Size of Parcel 1.84 acres

**Tom Earsing 7331 Bear Ridge Road North Tonawanda, NY 14120**

Owner wishes to construct an additional accessory structure of 240 sq. ft. on property where there is an existing 576 sq. ft. accessory structure for a total of 816 sq. ft. where 600 sq. ft. maximum is allowed per Town Code §247-34.E(1)

Town Ordinance Affected: §247-34.E.(1) Variance Sought: 216 sq. ft. Current Zoning: R-2 Size of Parcel .92 acres

**Robert Schifferle 6696 Campbell Boulevard Lockport, NY 14094**

Owner wishes to construct an accessory structure of 768 sq. ft. where 600 sq. ft. maximum is allowed per Town Code §247-34.E(1)

Town Ordinance Affected: §247-34.E.(1) Variance Sought: 168 sq. ft. Current Zoning: R-2 Size of Parcel 1.01 acres

2. Open regular meeting of ZBA

3. Changes to agenda

4. New Inquires to ZBA

5. Review minutes from prior meeting

<http://pendletonny.us/wp-content/uploads/2018/06/117-ZBA-May-2018-Meeting-Minutes.pdf>

6. Deliberation on Hearing(s)

**David & Patricia Chrzanowski 5191 Tonawanda Creek Road North Tonawanda, NY**

**Richard Lindemuth 7237 Bear Ridge Road North Tonawanda, NY 14120**

**Tom Earsing 7331 Bear Ridge Road North Tonawanda, NY 14120**

**Robert Schifferle 6696 Campbell Boulevard Lockport, NY 14094**

7. Correspondence. TBD – based on inbox at Town Hall
8. Special Topics - None
9. Miscellaneous ZBA items:
  - a. Attendance: next meeting
    - i. 27 July 24 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.