

**PENDLETON ZBA AGENDA  
TUESDAY, 08/28/18 7:00 PM**

1. Public Hearings

**Albert Wuendsch 6565 Bear Ridge Road Lockport, NY 14094**

Owner wishes to construct an additional accessory structure of 20' x 30' (600 sq. ft.) on property where there is an existing 10' x 16' (160 sq. ft.) accessory structure for a total of 760 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: 160 sq. ft. Current Zoning: R-2. Size of Parcel: 1.1 acres

**Craig Schmidt 6140 Aiken Road Lockport, NY 14094**

Owner wishes to keep a shed in current placement at a setback of 120' where 150' is required.

Town Ordinance Affected: §247-34, F(2)A. Variance Sought: 30' Front Yard Setback  
Current Zoning: R-1. Size of Parcel: 1.44 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/2018/07/119-ZBA-July-2018-Meeting-Minutes.pdf>

6. Continuation of Deliberation of Hearing

**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: 1396 sq. ft. Current zoning: R-2 Size of Parcel 1.5 acres

7. Deliberation of Hearings

**Albert Wuendsch 6565 Bear Ridge Road Lockport, NY 14094**

**Craig Schmidt 6140 Aiken Road Lockport, NY 14094**

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

9. Special Topics - None

10. Miscellaneous ZBA items:

a. Attendance: next meeting

i. September 25 2018 7:00 PM

b. Comments: ZBA members, Legal

11. 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.