

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
June 26, 2018 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. Lee Daigler at 7:03 PM. ZBA members Mr. Daigler, Mr. Meholick, Mr. Schlemmer & Mr. Welka were present at the meeting. No changes were made to the ZBA agenda submitted by Lee Daigler.

PUBLIC HEARINGS:

David & Patricia Chrzanowski
5191 Tonawanda Creek Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a new 24 ft. x 36 ft. (864 sq. ft.) addition with 8 ft. x 36 ft. shed roof overhang (288 sq. ft.) to their existing 864 sq. ft. accessory structure on their property for a total building size of 2,016 sq. ft. where a maximum of 600 sq. ft. is allowed per Town Code. The area variance request would be 1,416 sq. ft. as per Town Code §247-34.E.(1). The property is approximately 1.5 acres and is R2 medium density residential zoning.

Mr. Chrzanowski presented the Town of Pendleton Building Inspector's denial, a site survey of the property, several photographs of the inside & outside of the existing pole barn & property, and letters from James & Dorothy Sobczyk who are in favor of the variance request. Mr. Chrzanowski indicated that the accessory structure would be used for equipment storage to maintain the family properties, and for a wood working shop.

The new accessory structure would be 24 ft. wide x 36 ft. long with a 8 ft. x 36 ft. overhang on the accessory structure only. The addition would butt up against the existing building & extend out length wise. The overhang would be on the eastern side of the structure.

It should be noted that Building Inspector's denial indicated an area of 268 sq. ft for the overhang. The correct area should be 288 sq. ft. and has been corrected above.

All ZBA members stated that they had driven by or visited the property.

The public hearing was closed at approximately 7:13 PM.

Robert Schifferle
6696 Campbell Boulevard
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a new 24 ft. x 32 ft. (768 sq. ft.) accessory structure on their property where a maximum of 600 sq. ft. is allowed per Town Code. The area variance request would be 168 sq. ft. as per Town Code §247-34.E.(1). The property is approximately 1.01 acres and is R2 medium density residential zoning.

Mr. Schifferle presented the Town of Pendleton Building Inspector's denial, and site survey of the property. Mr. Schifferle indicated that the building would be used for storage of equipment.

All ZBA members stated that they had driven by or visited the property.

The public hearing was closed at approximately 7:20 PM.

Tom Earsing
7331 Bear Ridge Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a new 12 ft. x 20 ft. (240 sq. ft.) accessory structure on their property where there is an existing 24 ft. x 24 ft. (576 sq. ft.) accessory structure for a total aggregate area of 816 sq. ft. where a maximum of 600 sq. ft. is allowed per Town Code. The area variance request would be 216 sq. ft. as per Town Code §247-34.E.(1). The property is approximately 0.92 acres and is R2 medium density residential zoning.

Mr. Earsing presented the Town of Pendleton Building Inspector's denial, site survey of the property, and illustration of the proposed building. Mr. Earsing indicated that the building would be used for storage of equipment.

All ZBA members stated that they had driven by or visited the property.

The public hearing was closed at approximately 7:24 PM.

Richard Lindemuth
7237 Bear Ridge Road
Pendleton, New York

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a new 30 ft. x 40 ft. (1,200 sq. ft.) accessory structure on their property where there is an existing 12 ft. x 20 ft. (240 sq. ft.) accessory structure for a total aggregate area of 1,440 sq. ft. where a maximum of 600 sq. ft. is allowed per Town Code. The area variance request would be 840 sq. ft. as per Town Code §247-34.E.(1). The property is approximately 1.84 acres and is R2 medium density residential zoning.

Mr. Lindemuth presented the Town of Pendleton Building Inspector's denial, site survey of the property, and aerial photograph of his property with the location of the existing & proposed buildings. Mr. Lindemuth indicated that the building would be used for storage of equipment.

All ZBA members stated that they had driven by or visited the property.

The public hearing was closed at approximately 7:30 PM.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Lee Daigler to accept the minutes of the May 22, 2018 meeting, and was seconded by Dennis Welka. All voted in favor.

Specific Board Deliberation Actions:

**David & Patricia Chrzanowski
5191 Tonawanda Creek Road
Pendleton, New York**

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.

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

It was agreed that an alternative solution would be to construct a smaller accessory structure or purchase more property from the family to meet town code.

- c. Is the requested variance substantial?

It was agreed that the requested variance request was substantial as it was approximately three times larger 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. Daigler to table the deliberation for one month so all members could be present to vote on the variance request. The motion was seconded by Mr. Meholick. All voted in favor.

Robert Schifferle
6696 Campbell Boulevard
Pendleton, New York

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.

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

It was agreed that an alternative solution would be to construct a smaller accessory that meets town code.

- c. Is the requested variance substantial?

It was agreed that the requested variance request was borderline to being substantial as it was approximately 30% larger 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. Welka to grant the area variance as detailed in the request, conditional on a 1 year time limit on completion. The motion was seconded by Mr. Meholick. All voted in favor.

Tom Earsing
7331 Bear Ridge Road
Pendleton, New York

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.

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

It was agreed that an alternative solution would be to construct a smaller accessory that meets town code.

- c. Is the requested variance substantial?

It was agreed that the requested variance request was substantial as it was approximately 36% larger 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. Welka to grant the area variance as detailed in the request, conditional on a 1 year time limit on completion. The motion was seconded by Mr. Daigler. All voted in favor.

**Richard Lindemuth
7237 Bear Ridge Road
Pendleton, New York**

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 might create an undesirable change to the neighborhood and nearby properties as the accessory structure would be located in the back of his property backing up to a development.

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

It was agreed that an alternative solution would be to construct a smaller accessory that meets town code.

c. Is the requested variance substantial?

It was agreed that the requested variance request was substantial as it was approximately 2.5 times larger 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 an area variance for a total aggregate area of 1,200 sq. ft. for either one new accessory structure which included removal of the existing building, or the total area of both structures, conditional on a 1 year time limit on completion. The motion was seconded by Mr. Schlemmer. Mr. Daigler, Mr. Meholick, and Mr. Schlemmer voted in favor of the above variance, and Mr. Welka voted against the motion. The variance was approved.

New Inquiries to ZBA: None

Correspondence: None

Special Topics: None

Miscellaneous ZBA Topics:

1. The next scheduled meeting will be on Tuesday, July 24, 2018, at 7:00PM.

A motion was made by Dennis Welka to adjourn the meeting at 8:57 PM, and seconded by Jim Meholick. All voted in favor.

Submitted for:

James G. Meholick
Secretary

Attachments: Town of Pendleton Zoning Board of Appeals Sign-In Sheet

Town of Pendleton Denial of Building Application for Mr. Chrzanowski
Town of Pendleton Public Hearing Request for Mr. Chrzanowski
Town of Pendleton Notice of Public Hearing for Mr. Chrzanowski
Public Hearing Mailing List for Mr. Chrzanowski
Site Survey of Property for Mr. Chrzanowski
Letters from Dorothy & Kames Sobczk for Mr. Chrzanowski
Photographs of Property & Equipment for Mr. Chrzanowski

Town of Pendleton Denial of Building Application for Mr. Schifferle
Town of Pendleton Public Hearing Request for Mr. Schifferle
Town of Pendleton Notice of Public Hearing for Mr. Schifferle
Public Hearing Mailing List for Mr. Schifferle
Site Survey of Property for Mr. Schifferle
Sketch of Equipment for Storage for Mr. Schifferle

Town of Pendleton Denial of Building Application for Mr. Earsing
Town of Pendleton Public Hearing Request for Mr. Earsing
Town of Pendleton Notice of Public Hearing for Mr. Earsing
Public Hearing Mailing List for Mr. Earsing
Site Survey of Property for Mr. Earsing
Photograph of Proposed Accessory Structure for Mr. Earsing

Town of Pendleton Denial of Building Application for Mr. Lindemuth
Town of Pendleton Public Hearing Request for Mr. Lindemuth
Town of Pendleton Notice of Public Hearing for Mr. Lindemuth
Public Hearing Mailing List for Mr. Lindemuth
Site Survey of Property for Mr. Lindemuth
Aerial Photograph of Property for Mr. Lindemuth