

**TOWN OF PENDLETON**  
**ZONING BOARD OF APPEALS**  
**July 24, 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 7:00 PM. ZBA members Mr. Daigler, Mr. Meholick, Mr. Schlemmer & Mr. Welka, and The Town Prosecutor, Mr. Ned Perlman were present. No changes were made to the ZBA agenda submitted by Lee Daigler.

**PUBLIC HEARINGS:**

**Allyson & Victoria Zurawski**  
**7130 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 16 ft. x 28 ft. (448 sq. ft.) accessory structure at a front yard setback of 121 ft. and side setback of 8 ft. where a minimum front yard setback of 150 ft. and 15 ft. side yard setback is allowed per Town Code. The front yard variance request would be 29 ft. as per Town Code §247-34.F.(2)(a), and the side yard variance request would be 7 ft. as per Town Code §247-34.F.(2)(b). The property is approximately 0.92 acres and is R-1 low density residential zoning.

Mr. Daryl Zurawski presented the Town of Pendleton Building Inspector's denial, a site survey of the property illustrating the proposed location of the accessory structure, and several photographs of his back yard of where the building would be located. It was indicated that there is an existing 10.3 ft. x 12.2 ft. (126 sq. ft. ) shed on the property, but the aggregate total would be less than the maximum allowed by Town Code. Mr. Zurawski stated that his lot drops off severely in the back yard and he preferred the building be located near the property line so he could extend his driveway to the structure for storage of his vintage Thunderbird car.

The public hearing was closed at approximately 7:15 PM.

**REGULAR ZBA MEETING:**

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

A motion was made by Dennis Welka to accept the minutes of the June 26, 2018 meeting, and was seconded by Lee Daigler. All voted in favor.

***Specific Board Deliberation Actions:***

**Allyson & Victoria Zurawski  
7130 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 the accessory structure at front & side yard setbacks that meet town code.

- c. Is the requested variance substantial?

It was agreed that the requested side yard variance request was substantial as it was approximately two times greater than town code allows. The front yard setback variance request was not considered to be substantial.

- 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 a 29 ft. front yard setback (121 ft. from right of way) and 4 ft. side yard variance (11 ft. from the property line), conditional on a 1 year time limit on completion. The motion was seconded by Mr. Schlemmer. All voted in favor.

**David & Patricia Chrzanowski (Continuation of June 26<sup>th</sup> Public Hearing)  
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.

A motion was made by Mr. Daigler to table the deliberation for an additional month so that ZBA Chairman Wolfgang Buechler would be present to vote on the variance request. The motion was seconded by Mr. Meholick. All voted in favor.

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

***Correspondence:       None***

***Special Topics:       None***

***Miscellaneous ZBA Topics:***

1. The next scheduled meeting will be on Tuesday, August 28, 2018, at 7:00PM.

A motion was made by Lee Daigler to adjourn the meeting at 7:30 PM, and seconded by Dennis Welka. 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. Zurawski  
Town of Pendleton Public Hearing Request for Mr. Zurawski  
Town of Pendleton Notice of Public Hearing for Mr. Zurawski  
Public Hearing Mailing List for Mr. Zurawski  
Site Survey of Property for Mr. Zurawski  
Photographs of Property for Mr. Zurawski