

PENDLETON ZBA AGENDA TUESDAY, 10/23/18 7:00 PM

1. Public Hearings

Holiday Inn Express SBL 166.00-1-17 (Transit Road South of 6350 Transit Road)

Proposed new hotel (Holiday Inn Express) wants to construct a new building at a maximum height of 55 ft. where maximum allowed per Town Code §247-13.J is 35 ft.

Town Ordinance Affected: §247-13.J

Area Variance Sought: 20 ft. maximum height variance

Current Zoning: CO2 – Medium Commercial

Size of Parcel: 200 ft. x 600 ft.

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/2018/10/ZBA-PH-Holiday-Inn-Express-10.23.18.pdf>

6. Deliberation of Hearings

a. Holiday Inn Express

b. Follendorf, Joseph 4119 Beach Ridge Rd. (Hearing Date: 9/25/18) Owner wishes to construct an additional accessory structure of 40' x 62' (2480 sq. ft.) on property where there is an existing 588 sq. ft. accessory structure for a total of 3068 sq. ft. where 600 sq. ft. maximum is allowed per Town Code §247-34.E(1). Town Ordinance Affected: §247-34.E(1). Area Variance Sought: 2468 sq. ft. Current Zoning: R-1. Size of Parcel: 1.97 acres

c. Rott, William 5433 Irish Rd. (Hearing Date: 9/25/18) Owner requests an area variance prior to sale of property to construct an accessory structure of 50' x 100' (5000 sq. ft.) where 2000 sq. ft. maximum is allowed per Town Code §247-34.E(3). A barn of 1780 sq. ft. exists on property. Town Ordinance Affected: §247-34.E(3). Area Variance Sought: 4780 sq. ft. Current Zoning: R-2. Size of Parcel: 16.52 Acres

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

8. Special Topics - Training

9. Miscellaneous ZBA items:

a. Attendance: next meeting

i. 27 November 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.