

**PENDLETON ZBA AGENDA
TUESDAY, 04/30/19 7:00 PM**

1. Public Hearings

a. **Bradley Pagels 6341 Campbell Boulevard Lockport, NY 14094**

Owner wishes to construct a 12' x 24' (288 sq. ft.) accessory structure on property at a 45' front yard setback, where a minimum of 150' is allowed per Town Code §247-34 F2(a). Town Ordinance Affected: §247-34 F2(a) Variance Sought: 105' front yard set Size of Parcel: 3.0 acres Current Zoning: R-2

b. **Gassan Rizek 7261 Townline Road North Tonawanda, NY 14120**

Owner wishes to construct a 300 sq. ft. pool house on property at a 5 ft. side yard setback and a 5 ft. rear yard setback where a minimum allowed is 15 ft. side yard and 15 ft. rear yard setbacks as per Town Code §247-34 F(2)(b) and F(3)(b).

Town Ordinance Affected: §247-34 F(2)(b) and §247-34 F(3)(b)

Variance Sought: 10' side yard setback and 10' rear yard setback

Size of Parcel: 100' x 250' Current Zoning: R-2

c. **Richard Johnson 5568 Mapleton Road Lockport, NY 14094**

Owner wishes to construct a 28' x 32' (896 sq. ft.) detached garage to a (528 sq. ft.) existing detached garage, where on 50% of the primary structure is allowed which is 1248 sq. ft. = 624 sq. ft. Also, owner wished to construct garage addition at a 12' side yard setback where 15' is allowed. Town Ordinances Affected: §247-11(I), §247-11(E) Variance Sought: 800 sq. ft. and 3' side yard setback Size of Parcel: 1.2 acres Current Zoning: R-2

d. **Shirley LeBlanc 6299 Campbell Boulevard Lockport, NY 14094**

Owner wishes to construct a 40' x 48' (1920 sq. ft.) accessory structure on property where 1200 sq. ft. is allowed per Town Code §247-34 E (2). Property is approximately 4.5 acres and is zoned R-2 residential. Town Ordinance Affected: §247-34 E (2) Variance Sought: 720 sq. ft. Size of Parcel: 4.5 acres Current Zoning: R-2

e. **Eric Bogart 6889 Campbell Boulevard North Tonawanda, NY 14120**

Owner wishes to construct a single family house on a property at a 394' front yard setback where a maximum allowed is 250' per Town Code §247-10 D (3). Property is approximately 2.85 acres and is zoned R-1 residential. Town Ordinance Affected: §247-10 D (3) Variance Sought: 144' front yard setback Size of Parcel: 2.85 acres Current Zoning: R-1

f. **Gino Pinto 6885 Campbell Boulevard North Tonawanda, NY 14120**

Owner wishes to construct a single family house on a property at a 394' front yard setback where a maximum allowed is 250' per Town Code §247-10 D (3). Property is approximately 2.85 acres and is zoned R-1 residential. Town Ordinance Affected: §247-10 D (3) Variance Sought: 144' front yard setback Size of Parcel: 2.85 acres Current Zoning: R-1

2. Open regular meeting of ZBA
3. Changes to agenda
4. New Inquires to ZBA
5. Review minutes from prior meeting(s)
 - a. <http://pendletonny.us/wp-content/uploads/2019/04/ZBA-March-2019-Meeting-Minutes.pdf>
6. Deliberation on Hearing(s)
 - a. **Ripley, Jesse – 5396 Irish Rd. {Continuation from March meeting}**
Owner wishes to construct a 12 ft. x 20 ft. attached garage at a 9 ft. side yard setback where minimum side yard setback allowed is 15 ft. per Town Code §247-11.E. Area variance is sought for garage side yard setback variance of 6 ft. Property is 100 ft. x 301 ft. and zoned R-2 Medium Residential
 - b. **Pagels**
 - c. **Rizek**
 - d. **Johnson**
 - e. **LeBlanc**
 - f. **Bogart**
 - g. **Pinto**
7. Correspondence. TBD – based on inbox at Town Hall
8. Special Topics – none
9. Miscellaneous ZBA items:
 - a. Attendance: next meeting
 - i. 28 May 2019 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.