

PENDLETON ZBA AGENDA TUESDAY, 06/25/19 7:00 PM

1. Public Hearings
 - a. **Rizek, Gassan – 7261 Townline Rd.** Owner wishes to construct a 275 sq. ft. accessory structure at a 10 ft. side yard setback and a 10 ft. rear yard setback where a minimum allowed is 15 ft. and 20 ft. respectively, per Town Code §247-34.F(2)(b) and §247-34.F(2)(c). Area variances sought are 5 ft. side yard setback variance and 10 ft. rear yard lot setback variance. Property is 100 ft. x 250 ft. and zoned R-2 Medium Density Residential.
 - b. **Donner, Scott – 5415 Fiegle Rd.** Owner wishes to construct a 26 ft. x 40 ft. (1040 sq. ft.) 18 ft. high accessory structure where maximums allowed are 600 sq. ft. and 16 ft. respectively, per Town Code §247-34.E(1) and §247-34.F(2)(d). Area variances sought are 440 sq. ft. accessory structure size variance and 2 ft. accessory structure height variance. Property is 150 ft. x 275 ft. and zoned R-2 Medium Residential
 - c. **Ceccato, Dino – 6716 Bear Ridge Rd.** Owner wishes to subdivide vacant land into three parcels leaving one parcel with only a garage where Town Code §247-34.A(2) requires an accessory structure to be subordinate in area and/or purpose to the principal residence. Variance sought is use variance allowing use of the property for a stand-alone garage. Property is 35.2 acres and zoned R-2 Medium Density Residential.
 - d. **Schmidt, Tracy – 6710 Macinstosh Lane.** Owner wishes to build a 600 sq. ft. detached garage where only one garage is allowed per Town Code §247-10.I Owner plans for a front yard setback of 77 ft. and side yard setback of 7.6 ft. where minimums of 100 ft. and 15 are required respectively, per Town Code §247-10.D(1) and §247-10.E. Additionally owner wishes to build a 600 sq. ft. garage where a 256 sq. ft. accessory structure already stands, exceeding the 600 sq. ft. maximum allowed per Town Code §247-34.E(1). Property is 125 ft. x 252 ft. and zoned R2 Medium Density Residential.
2. Open regular meeting of ZBA
3. Changes to agenda
4. New Inquires to ZBA
5. Review minutes from prior meeting(s)
 - a. 30 April 2019 – <http://pendletonny.us/wp-content/uploads/2019/06/129-ZBA-May-2019-Meeting-Minutes.pdf>
6. Deliberation on Hearing(s)
 - a. Rizek
 - b. Donner
 - c. Ceccato
 - d. Schmidt
 - e. Pinto (6885 Campbell Blvd. Continued from 30 April 2019 meeting)
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. Bogart (6889 Campbell Blvd. Continued from 30 April 2019 meeting)
Same request as Pinto.

7. Correspondence.

- a. Letter from Macintosh resident
- b. TBD – based on inbox at Town Hall

8. Special Topics – Summary of Land Use Training at Millenium (5/13)

9. Miscellaneous ZBA items:

- a. Attendance: next meeting
 - i. 23 June 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.