

PENDLETON ZBA AGENDA TUESDAY, 07/28/20 7:00 PM

NOTE: All appropriate health and safety guidelines will be followed. All in attendance should expect to wear a mask and social distance. Entry to the Town Hall meeting room will be through direct doors at the southwest corner of the building.

1. Public Hearings
 - a. **Brown, Michael – 7282 Edgewater Circle.** Owner wished to construct an accessory structure (pool house) at a front yard setback of 132 ft. and a side yard setback of 10 ft. where minimums are 150 ft. and 15 ft., respectively, per Town Codes §247-34.F.(2)(a) and §247-34.F.(2)(b). Area variances requested are 18 ft. front yard setback variance and 5 ft. side yard setback variance. Property is 100 ft. x 259 ft. and zoned R2 Medium Residential.
 - b. **On hold: Cappello, Ronald (Gasper Fulfaro, Agent) – 5532 Killian Rd.** Continuation of public hearing on hold per request of applicant.
2. Open regular meeting of ZBA
3. Changes to agenda
4. New Inquires to ZBA
5. Review minutes from prior meeting(s)
 - a. June minutes are not yet posted online.
6. Deliberation on Hearing(s)
 - a. **Brown**
 - b. **Jordan**
 - c. **Dispenza, Charles – 6721 Aiken Rd.** Owner wishes to construct a 300 sq. ft. (approx.) egg storage building at 45 ft. front yard setback where minimum allowed per Town Code §247-34.F.(2)(a) is 150 ft. Area variance requested is 105 ft. of accessory structure front yard setback variance. Property is 15 acres and zoned R1 Low-Density Residential.
 - d. **Jordan, Kelly – 7151 Rolling Meadows.** Owner wishes to move existing 10 ft. X 12 ft. shed to 85 ft. from front lot line and 5 ft. from side lot line where minimums are 150 ft. and 15 ft. respectively, per Town Codes §247-34.F.(2)(a) and §247-34.F.(2)(b). Area variances sought are 65 ft. accessory structure front yard setback variance and 10 ft. accessory structure side yard setback variance. Property is 165 ft. x 250 ft. and zoned R2 Medium-Density Residential.
 - e. **Santillo, Joe – 7172 Creekbend Dr.**
 - f. **Dexheimer, Jennifer and Kevin – 5877 Dunnigan Rd.**
7. Correspondence. TBD – based on inbox at Town Hall
8. Special Topics
9. Miscellaneous ZBA items:
 - a. Attendance: next meeting
 - i. 25 August 2020 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.