

**PENDLETON ZBA AGENDA  
TUESDAY, 05/25/21 7:00 PM**

1. Public Hearings
  - a. **Huff, Alan Sr. – 6400 Campbell Blvd.** Owner seeks relief from Town Code §247-12.E which requires buildable lots in CO1 District to have minimum of 200 ft. lot width. Area variance sought is 57 ft. CO1 lot width variance. Owner also wishes to construct/operate a storage facility on this property where this use is not a permitted use per Town Code §247-12.C. A use variance is sought to allow storage facility use on this property. Property is 143 ft. x 517 ft. and zoned CO1 Light Commercial.
2. Open regular meeting of ZBA
3. Changes to agenda
4. New Inquires to ZBA
5. Review minutes from prior meeting(s)
  - a. 27 April 2021 – See [Pendleton Website](#)
6. Deliberation on Hearing(s)
  - a. Huff
  - b. Weller, Mark – 4946 Cloverleaf Ln. (hearing 27 April 2021) Owner wishes to construct a 600 SF accessory structure on property in addition to an existing 140 SF accessory structure. Total aggregate accessory structure size would be 740 SF where 600 SF is maximum allowed per Town Code §247-34.E.(1). Owner also wishes to place the new structure at a front yard setback of 118 ft. where minimum allowed per Town Code §247-34.F.(2)(a). Area variances sought are 140 SF aggregate accessory structure size variance and 32 ft. front yard setback variance. Property is 100 ft. x 250 ft. and zoned R2 Medium-Density Residential.
  - c. Panasyuk, Aleksandr – 6121 Campbell Blvd. (hearing 27 April 2021) Owner wishes to construct a 40' x 100' accessory structure totaling 4000 SF whereas maximum allowed is 2000 SF on a parcel over 7 acres per Town Code 247-34E(3). Size of parcel is 136 ft. x 3300 ft. (approx. 30 acres) and is zoned R-2 Residential.
7. Correspondence. TBD – based on inbox at Town Hall
8. Special Topics – None planned
9. Miscellaneous ZBA items:
  - a. Attendance: next meeting 22 June 2021 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.