

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
October 26, 2021 Meeting

Members:

Wolfgang Buechler, Chairman
David Kantor
James Schlemmer
Nicholas Graves
Dennis Welka, Secretary

The ZBA open regular meeting was called to order by Mr. Wolfgang Buechler at 7:00 PM. ZBA members Wolf Buechler, Dave Kantor, Nick Graves, and Dennis Welka were present at the meeting. James Schlemmer attended remotely. Mr. Theodore Jeorg, Town Prosecutor, was also present.

PUBLIC HEARINGS:

There were no public hearings scheduled.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Dennis Welka to accept the minutes of the 9/28/2021 meeting, and was seconded by Nick Graves. All voted in favor.

Specific Board Deliberation Actions:

Joseph and Nicole Riedy
7216 Creekbend Dr.
North Tonawanda, NY 14120

Continued from 28 September 2021: Riedy, Joseph and Nicole 7216 Creekbend Dr., Pendleton NY. Owner wishes to place a 500 SF accessory structure at a side yard setback of 10 ft. where minimum side yard setback allowed is 15 ft. per Town Code §247-34.F.(2)(b). Property is 0.7 acres and zoned R2 Medium-Density Residential. Area variance sought is 5 ft. accessory structure side yard setback variance.

The ZBA board reviewed the Area Variance property setback of the pool house and commented as follows:

- 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?

The board members felt that the granting of the variance would not create an undesirable change to the neighborhood and nearby properties.

- b. Are there alternative solutions that would not require a variance?

It was agreed that the alternative solutions could be to relocate the proposed pool or construct a smaller pool house.

c. Is the requested variance substantial?

It was agreed that the requested variance request was substantial.

d. Will the variance have an adverse effect on the physical or environmental conditions in the neighborhood or district?

The board members felt that the variance would not have an adverse effect on the physical or environmental conditions in the neighborhood.

e. Is the applicant’s difficulty self-created?

It was agreed that the applicant’s difficulty was self-created .

Board Action: The Board considered, among other things, the character of the neighborhood, the reason for the variance request, the size of the variance, and the design/layout constraints on the project due to the wetland restrictions in the rear of the property. Mr. Kantor moved to approve an area variance of 5 ft. accessory structure side yard setback variance for the project as proposed with a one-year time limit on completion. Mr. Schlemmer seconded the motion.

Voting in favor of the motion: Buechler, Graves, Kantor, and Schlemmer.

Voting against: Welka

Decision: Area variance of 5 ft. accessory structure side yard setback variance was approved.

New Inquiries to ZBA: *none*

Correspondence: *none*

Special Topics: *none*

Miscellaneous ZBA Topics:

1. The next scheduled meeting will be on Tuesday, 11/23/2021, at 7:00PM.

A motion was made by Nick Graves to adjourn the meeting at 7:48 PM, and seconded by Jim Schlemmer. All voted in favor.

Submitted for:

Dennis J. Welka
Secretary

Attachments: Sign in Sheet for 10/26/21