

TOWN OF PENDLETON
ZONING BOARD OF APPEALS
11/23/2021 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 Wolfgang Buechler, Dave Kantor, James Schlemmer, and Dennis Welka were present at the meeting. Nick Graves was absent. Mr. Theodore Jeorg, town attorney was also present.

PUBLIC HEARINGS:

Smith, Brendan - 4956 Mapleton Rd.

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a 1200 SF detached garage where a where maximum detached garage size is 828 SF per Town Code §247-11.I. Area variance sought is 372 SF detached garage size variance. Property is 136.25 ft. x 373.31 ft. and zoned R2 Medium-Density Residential.

Applicant stated that he would remove current garage and gazebo from the property and replace with one detached garage structure.

The public hearing was closed at approximately 7:15 pm.

Doherty, Stephan - 5138 Tonawanda Creek Rd.

APPLICATION FOR VARIANCE of the provisions of the Zoning ordinance of the Town of Pendleton to construct a 1520 SF detached garage where the maximum detached garage size is 1200 SF per Town Code §247-11.I. Area variance sought is 320 SF detached garage size variance. Property is 125 ft. x 258 ft. and zoned R2 Medium-Density Residential.

The applicant was not present. The board needed clarification regarding the status of the current garage on the property.

Motion was made by James Schlemmer to table the public hearing and seconded by Dave Kantor. All voted in favor of the motion.

REGULAR ZBA MEETING:

Review Minutes from Prior Meeting:

A motion was made by Dave Kantor to accept the minutes of the 10/26/2021 meeting, and was seconded by James Schlemmer. All voted in favor.

Specific Board Deliberation Actions:

Smith, Brendan - 4956 Mapleton Rd.

The ZBA board reviewed the Area Variance 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 build to code.

- 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 of the project . Mr. Schlemmer moved to approve an area variance of 372 sq. ft. as proposed with a one-year time limit on completion and the removal of the current garage and gazebo. Mr. Kantor seconded the motion.

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

New Inquiries to ZBA: **None**

Correspondence: **None**

Special Topics: **None**

Miscellaneous ZBA Topics:

- 1. The next scheduled meeting will be on Tuesday, December 28, 2021 at 7:00 pm.

A motion was made by James Schlemmer to adjourn the meeting at 8:20 pm., and seconded by Dave Kantor. All voted in favor.

Town of Pendleton

Zoning Board of Appeals

Submitted by:

Dennis J. Welka
Secretary

Attachments:

Town of Pendleton Public Hearing Request for Brendan Smith
Town of Pendleton Notice of Public Hearing for Brendan Smith
Town of Pendleton Denial of Building Application for Brendan Smith
Public Hearing Mailing List for Brendan Smith
Site Survey of Property for Brendan Smith

Sign in Sheet