

**PENDLETON ZBA AGENDA
TUESDAY, 07/26/22 7:00 PM**

1. Public Hearings
 - a. Huff, Alan, H. Sr. – (property located at 6400 Campbell Blvd, Pendleton NY)
Owner wishes to construct on or develop a parcel of land that does not meet the required minimum lot width of 200 feet per Town Code §247-12.F. Property is 1.5 acres and zoned CO1 Light Commercial. Area variance sought is relief from minimum lot width requirement of 200 ft.
 - b. Allan, Shiloh – 6544 Sheetram Rd., Pendleton NY
Owner wishes to construct a single family residence at a front yard setback of 330 ft. where the maximum front yard setback allowed is 250 ft. per Town Code §247-11.D.(3). Property 5.56 acres and irregularly shaped with width of 123 ft. and depth of 562 ft. x and zoned R2 Medium-Density Residential. Area variance sought is 80 ft. front yard setback variance for primary residence.
2. Open regular meeting of ZBA
3. Changes to agenda
4. New Inquires to ZBA
5. Review minutes from prior meeting(s)
 - a. 28 June 2022 – TBD
6. Deliberation on Hearing(s)
 - a. Huff
 - b. Allan
 - c. Dunn, Matt – 4904 Mapleton Rd, Pendleton NY (from hearing on 24 May 2022).
Applicant wishes to construct a 50 ft. x 60 ft. (3,000 SF) accessory structure on a parcel resulting from a propose subdivision. Maximum accessory structure size allowed on the proposed parcel is 1200 SF per Town Code §247-34.E.(2). Also, an accessory structure is subordinate to the main residence and would not be allowed until a residence is constructed on the proposed parcel. Proposed lot will be under 7 acres and zoned R2 Medium-Density Residential. Area variance sought is 2800 SF accessory structure size variance.
7. Correspondence. TBD – based on inbox at Town Hall
8. Special Topics
9. Miscellaneous ZBA items:
 - a. Attendance: next meeting
 - i. 23 August 2022 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.