

PENDLETON ZBA AGENDA

TUESDAY, 08/23/22 7:00 PM

1. Public Hearings

- a. 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.
- b. Chamberlain, Zachary – 6745 Campbell Blvd., Pendleton NY
Owner wishes to erect a privacy fence at a height of 8.25 ft. with an approximate length of 125 ft. where maximum fence height allowed is 7 ft. per Town Code §247-30.B. Property is 150 ft. x 638 ft. a zoned R1 Low-Density Residential. Area variance sought is 1.25 ft. fence height variance.
- c. Castellani, Chris – 6102 Campbell Blvd., Pendleton NY
Owner wishes to construct a 2,816 SF accessory structure (approx.. 44 ft x 64 ft x 20 ft height) in addition to an existing 592 SF accessory structure for an aggregate accessory structure size of 3,408 SF where the maximum aggregate accessory structure allowed is 2,000 SF per Town Code §247-34.E.(3). Property is 9.8 acres and zoned R2 Medium-Density Residential. Area variance sought is 1,408 SF aggregate accessory structure size variance.
- d. Ziegler, Gregory – 6141 Townline Rd., Pendleton NY
Owner wishes to construct a 24 ft. x 32 ft. (768 SF) accessory structure at a front yard setback of 124 ft. where maximum accessory structure size allowed is 600 SF and minimum front yard setback allowed is 150 ft. per Town Codes §247-34.E.(1) and §247-34.F.(3)(a), respectively. Property is 150 ft. x 565 ft. (1.95 acres) and zoned R1 Low-Density Residential. Area variances sought are 168 SF accessory structure size variance and 26 ft. front yard setback variance.

2. Open regular meeting of ZBA

3. Changes to agenda

4. New Inquires to ZBA

5. Review minutes from prior meeting(s)

- a. 26 July 2022

6. Deliberation on Hearing(s)

- a. Allan
- b. Chamberlain
- c. Castellani
- d. Ziegler

7. Correspondence. TBD – based on inbox at Town Hall

8. Special Topics

9. Miscellaneous ZBA items:

- a. Attendance: next meeting
 - i. 27 September 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.