

**PENDLETON ZBA AGENDA  
TUESDAY, 06/27/2023 7:00 PM**

1. Public Hearings
  - a. Argentieri, Carl – 7301 Paddock Ridge North Tonawanda, NY  
Owner wishes to construct an attached garage 7 ft. from north side property lot line and a single story addition 5 ft. from south side property lot line, where a minimum side yard setback of 15 ft. is required per Town Code §247-11.E. Property is 100 ft. x 269 ft. (.68 acres) and zoned R-2 Residential. Side yard setback variances sought on north side is 8 ft. and south side 10 ft.
  - b. Miosi, Carl – 7272 Edgewater Circle North Tonawanda, NY  
Owner wishes to construct an attached covered patio on the back of the house extending to the south, 10 ft. from the side property lot line, where a minimum side yard setback of 15 ft. is required per Town Code §247-11.E. Property is 100 ft. x 250 ft. (.58 acres) and zoned R-2 Residential. Side yard setback variance sought is 5 ft.
  - c. Chadwick, Chelsea – 6118 Bear Ridge Road Lockport, NY SBL #137.03-1-9.12  
Owner wishes to build a single family residence on a nonconforming 98.56 ft. wide lot where a minimum lot width of 100 ft. is required per Town Code §247-11.C. Property is 98.56 ft. x 666 ft. (1.5 acres) and zoned R-2 Residential. Lot width variance sought is 1.44 ft.
  
2. Open regular meeting of ZBA
  
3. Changes to agenda
  
4. New Inquires to ZBA
  
5. Review minutes from prior meeting
  - a. 23 May 2023
  
6. Deliberation on Hearing(s)
  - a. Argentieri
  - b. Miosi
  - c. Chadwick
  
7. Correspondence. TBD – based on inbox at Town Hall
  
8. Special Topics
  - a. Training
  
9. Miscellaneous ZBA items:
  - a. Attendance: next meeting
    - i. 25 July 2023 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.