

**PENDLETON ZBA AGENDA
TUESDAY, 08/22/2023 7:00 PM**

1. Public Hearings
 - a. Cook, Matthew – 4986 Cloverleaf Ln., Lockport, NY 14094 - Owner wishes to construct a rear covered porch on an existing structure which is located 10' off of the property line. Town Code §247-11E requires a minimum setback of 15'. Property is 100 ft. x 250 ft. and zoned R-2 Residential. Side setback variance sought is 5 feet.
 - b. Bowden, Gabrielle - 5832 Donner Rd., Lockport, NY 14094 - Owner wishes to split and create a non-conforming lot. Depth of proposed property split is 220'. Town Code §247-11C(2) requires a minimum depth of 250'. Existing parcel is 580 ft x 220 ft (2.73 acres) and zoned R-2 Residential. Rear Depth variance sought is 30 feet.
2. Open regular meeting of ZBA
3. Changes to agenda
4. New Inquires to ZBA
5. Review minutes from prior meeting
 - a. 25 July 2023
6. Deliberation on Hearing(s)
 - a. Cook
 - b. Bowden
7. Correspondence - If Any
8. Special Topics
 - a. Training
9. Miscellaneous ZBA items:
 - a. Attendance: next meeting
 - i. 26 September 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.