

**Town of Pendleton, NY
Zoning Board of Appeals (ZBA)
Meeting Agenda – May 23, 2023
Pendleton Town Hall - 7:00 PM**

1. Public Hearings

- **Wheeler - 5894 Fisk Rd., Lockport, NY 14094**
 - Owner wishes to construct a 14' x 30' accessory structure totaling 420 SF. A 1,200 SF accessory structure already exists on the parcel. Town Code allows for a total of 1,200 SF on a parcel of this size (4.5 acres). Total area variance sought is 1,200 SF.
- **Vivian - 5865 Tonawanda Creek Rd., Lockport, NY 14094**
 - Owner wishes to construct a 32' x 30' accessory structure totaling 960 SF. Town code allows for a total of 600 SF on a parcel less than two acres. The property is 0.91 acres. Total area variance sought is 360 SF.
- **Yaeger - 6988 Bear Ridge Rd., North Tonawanda, NY 14094 (Re-Hearing)**
 - Owner wishes to construct a 36' x 48' accessory structure totaling 1,728 SF. Town code allows for a total of 600 SF on a parcel less than two acres. Property is irregularly shaped and 1.9 acres in size. Total area variance sought is 1,128 SF.

2. Open regular meeting of ZBA

3. Changes to agenda

4. New Inquires to ZBA

5. Review minutes from prior meeting(s)

- a. April 25, 2023 – [ZBA Minutes on Pendleton Website](#)

6. Deliberation on Hearings

- Wheeler - 5894 Fisk Rd., Lockport, NY 14094
- Vivian - 5865 Tonawanda Creek Rd., Lockport, NY 14094
- Yaeger - 6988 Bear Ridge Rd., North Tonawanda, NY 14094

7. Review Correspondence

8. Special Topics

- Training

9. Miscellaneous ZBA items:

- Attendance: next meeting
- June 27, 2023 at 7:00 PM, Pendleton Town Hall.
- Comments: ZBA members, Legal, General Public

10. Adjourn regular meeting of the ZBA

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.