

Town of Pendleton, NY
Zoning Board of Appeals (ZBA)
Meeting Agenda – November 19, 2024
Pendleton Town Hall - 7:00 PM

1. Public Hearings
 - a. Tim Joyner
7051 Campbell Blvd. North Tonawanda, NY 14120.
 - Owner wishes to construct a 24' x 30' (720 SF) accessory structure. Town Code §247-34.E.1 limits an accessory structure to 600 SF on parcels less than two acres. Property is 100' x 408' (.94 acres) and zoned R-2 Residential. Total relief sought: 120 SF accessory structure size.
 - d. Matthew Cole (Continued)
SBL: 164.03-3-41 - Townline Rd.
 - Owner wishes to construct a two-family residence on a non-conforming lot. Town Codes §247-11.E.1 and 247-11.C.4. requires a minimum lot size of two acres, 200 ft of frontage, depth of 250 ft, and side setbacks of 15 ft. Property is 150' x 170' (.3 acres) and zoned R-2 Residential. Total relief sought: Lot Size, Lot Frontage, Lot Depth, Side Yard, Rear Setback area variances.
 - e. Regency Builders, LLC (Continued)
4899 Meyer Rd. Lockport, NY 14094
 - Owner is seeking a myriad of variances consisting of lot width, lot depth, and lot size on a total of 9 proposed lots in a planned subdivision. Town Code §247-11.C. Specifies lot width, depth, and overall size for new parcels in the Town of Pendleton. Total relief sought to be determined after thorough review in the public hearing. Properties are all zoned R-2 Residential.
2. Open regular meeting of ZBA
3. Changes to agenda
4. New Inquires to ZBA
5. Review minutes from prior meeting(s)
 - a. October 22, 2024
6. Deliberation on Hearing(s)
 - a. Joyner
 - b. Cole
 - c. Regency Builders, LLC
7. Review Correspondence
8. Special Topics
9. Miscellaneous ZBA items:
 - a. Next Meeting/Attendance:
December 17, 2024 at 7:00 PM, Pendleton Town Hall.
 - b. Comments: ZBA members, Legal, Building Dept.
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.