

Town of Pendleton, NY
Zoning Board of Appeals (ZBA)
Meeting Agenda – February 25, 2025
Pendleton Town Hall - 7:00 PM

1. Public Hearings
 - a. Kyle Craig
5352 Feigle Rd. Lockport, NY. 14094.
 - Owner wishes to construct a 40' x 40' (1,600 SF) accessory structure. Town Code 247-34(2) limits the total square footage to 1,200 on a parcel of this size. Property is zoned R-2 Residential and 2.8 acres in size. Total relief sought: 400 SF accessory structure size area variance.
 - b. Dale Acker
6555 Campbell Blvd. Lockport, NY. 14094.
 - Owner wishes to construct a 12' x 20' (240 SF) accessory structure and place it 5' from the side property line. Town Code 247-11E requires a minimum of a 15' side yard setback. Property is zoned R-2 Residential and 1.18 acres in size. Total relief sought: 10' side yard setback area variance.
2. Open regular meeting of ZBA
3. Changes to agenda
4. New Inquires to ZBA
5. Review minutes from prior meeting(s)
 - a. January 28, 2025
6. Deliberation on Hearing(s)
 - a. Cole (Continued)
 - b. Craig
 - c. Acker
7. Review Correspondence
8. Special Topics
9. Miscellaneous ZBA items:
 - a. Next Meeting/Attendance:
March 25, 2025 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.