

PENDLETON ZBA AGENDA

MONDAY, 10/27/15 7:00 PM

1. Public Hearings
 - a. Flay, Steve, 4933 Mapleton Rd. Owner wishes to construct front porch at a front yard setback of 42 ft. where 60 ft. minimum is required per Town Code §247-11.D.(1). Variance sought is 18 ft. of front yard setback variance. Property is 1.15 acres and zoned R2 Medium-density Residential.
 - b. Duncan, Jeff and Jackie, 6650 Sheetram Rd. Owners wish to construct a 768 sq. ft. (24' x 32') accessory structure where 60 sq. ft. maximum is allowed per Town Code §247-34.E.(1). Variance sought is 168 sq. ft. accessory structure size variance. Property is 1.3 acres and zoned R2 Medium-density Residential.
 - c. Zeisz, Carlton, 7225 Creekbend Dr. Owner wishes to construct an accessory structure at 81 ft. front yard setback where 150 ft. minimum is required per Town Code §247-34.F.(2)(A). Variance sought is 69 ft. of front yard setback variance. Property is 0.5 acres and zoned R2 Medium-density Residential.
2. Open regular meeting of ZBA
3. Changes to agenda
4. Review minutes from prior meeting (09/22/15)
 - a. <http://pendletonny.us/wp-content/uploads/2010/11/ZBA-September-2015.pdf>
5. Deliberation on Hearings
 - a. Flay
 - b. Duncan
 - c. Zeisz
6. Correspondence
 - a. TBD – based on inbox at Town Hall
7. Special Topics
 - a. Training – 10/29 and 11/5
8. Miscellaneous ZBA items:
 - a. Attendance: next meeting Tuesday 24 November 2015 7:00 PM
 - b. Comments: ZBA members, Legal
9. 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.