

**PENDLETON ZBA AGENDA
MONDAY, 07/25/16 7:00 PM**

1. Public Hearings
 - a. Richards, Tara – 5812 Fisk Rd (14094). Owner wishes to construct an above ground pool at 11 ft. side setback from the east property line where 15 ft. minimum is required per Town Code §222-2.C. Area variance sought is 4 ft. side yard setback variance. Property is 0.88 acres and zoned R2 Medium-density Residential.
 - b. Higgins, John – 7201 Pendale Circle. Owner wishes to construct an accessory structure at 122.66 ft. front yard setback where 150 ft. minimum setback is required per Town Code §247-34.F(2)(A). Area variance sought is 27.34 ft. front yard setback variance. Property is 100 ft. x 250 ft. and zoned R2 Medium-density Residential.
 - c. Kennedy, Jessica - 6099 East Canal Rd. Owner wishes to construct an accessory structure at a 125 ft. front yard setback where 150 ft. minimum is required per Town Code §247-34.F(2)(A). Area variance sought is 25 ft. of front yard setback variance. Property is 0.93 acres and zoned R2 Medium-density Residential.
2. Open regular meeting of ZBA
3. Changes to agenda
4. New Inquires to ZBA
5. Review minutes from prior meeting
 - a. Minutes 06/27/16
<http://pendletonny.us/wp-content/uploads/2010/11/ZBA-June-2016.pdf>
6. Deliberation on Hearing
 - a. Richards
 - b. Kennedy
 - c. Higgins
 - d. Grimmer, 7172 Bear Ridge Rd. Owner wishes to construct an accessory structure at 60 ft. front yard setback where 150 ft. minimum setback is required per Town Code §247-34.F.(3).(A). Area variance sought is 90 ft. front yard setback variance. Property is 19.6 acres and zoned R1 Low-density Residential. Public hearing held on 27 June 2017.
7. Correspondence
 - a. TBD – based on inbox at Town Hall
8. Special Topics
9. Miscellaneous ZBA items:
 - a. Attendance: next meeting **MONDAY** 22 August 2016 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.