

PENDLETON ZBA AGENDA (revised)
TUESDAY, 04/25/17 7:00 PM

1. Public Hearings
 - a. Braunscheidel, Robert – 7002 Creekview Dr. Owner wishes to construct a 10 ft. x 24 ft. (240 sq. ft.) addition to an existing 24 ft. x 24 ft. (576 sq. ft.) accessory structure for a total accessory structure size of 816 sq. ft. where 600 sq. ft. is the maximum allowed per Town Code §247-34.E(1). Area variance sought is 216 sq. ft. accessory structure size variance. Property is 0.717 acres and zoned R1 Low-density Residential.
 - b. Brauer, Robert and Suzanne (Sean Hopkins as Representative) – property is located immediately north of The Meadows subdivision on east side of Campbell Blvd. Proposed new subdivision, in conjunction with the existing subdivision “The Meadows” will require depth and area variances on several lots per Town Code §247-11.C(1) and §247-11.C(5). Area variances sought vary per affected lot. Total property size is 53.2 acres and zoned R2 Medium-density Residential
2. Open regular meeting of ZBA
3. Changes to agenda
4. New Inquires to ZBA
 - a. Empire Pipeline – request for Interpretation/Use Variance
5. Review minutes from prior meeting
 - a. Minutes 3/28/17
 - b. <http://pendletonny.us/wp-content/uploads/2010/11/ZBA-March-2017.pdf>
6. Deliberation on Hearing(s)
 - a. Deberny, David – 5731 Fisk Rd. Owners constructed a 10 ft. x 14 ft. accessory structure on his vacant lot adjacent to his residential lot where Town Code §247-34.A(3) requires accessory structures to be located on the same lot as the principal residence. Property is 1.4 acres and zoned R2 Medium-density Residential.
 - b. Braunscheidel
 - c. Brauer (Sean Hopkins)
7. Correspondence. TBD – based on inbox at Town Hall
8. Special Topics
 - a. Urban (Mr. Kech representing) 6856 Transit Rd. Owner wishes to construct a high temperature air dome at a max height of 60 ft. where maximum building height specified in Town Code §247-13.J is 35 ft. Variance sought is 25 ft. structure height variance. Property is 155.4 acres and zoned CO2 Medium Commercial.
9. Miscellaneous ZBA items:
 - a. Attendance: next meeting 23 May 2017 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.