

Town of Pendleton, NY
Zoning Board of Appeals (ZBA)
Meeting Agenda – October 28, 2025
Pendleton Town Hall - 7:00 PM

1. Public Hearings

a. Matthew Bishara

4984 Devonshire Ln. Lockport, NY. 14094.

Owner wishes to construct 18' x 30' and 20' x 12' accessory structures totaling 780 sf on the above referenced property and place them 99' from the right of way. Town Code § 247-34(e)(1) limits maximum accessory structure size to 600 sf on a property of this size and § 247-34(f)(2)(a) requires a 150' front yard setback measured from the right of way. The property is zoned R-2 Residential and 0.80 acres in size. Total relief sought is 180 sf accessory structure size and 51' front yard setback area variances.

b. James Winkowski

6628 Sheetram Rd. Lockport, NY. 14094.

Owner wishes to erect ground mounted solar panels approximately 13' x 47' on the above referenced property and place them approximately 7' from the property line. Town Code § 247-72(g)(3)(a)[b] requires solar panels to be set back 30' or greater from side property lines. The property is zoned R-2 Residential and 1.5 acres in size. Total relief sought is approximately 23' side yard setback area variance.

c. Randy & Natalie Johnson

SBL # 136.04-1-30 Lockport, NY. 14094. (Between 6384/6378 Campbell Blvd)

Owner wishes to construct a single-family home on the above referenced property. Proposed structure has planned side yard setbacks of approximately 9', minimum side yard setbacks of 15' are required per Town Code § 247-11(e). The property is zoned R-2 Residential and 1.84 acres in size. Total relief sought: two side yard setback area variances of approximately 6' each.

2. Open regular meeting of ZBA

3. Changes to agenda

4. New Inquires to ZBA

5. Review minutes from prior meeting

a. September 23, 2025

6. Deliberation on Hearing(s)

a. Bishara

b. Winkowski

c. Johnson

7. Review Correspondence (if any)

8. Special Topics

a. November Meeting Date

9. Miscellaneous ZBA items:

a. Next Meeting/Attendance:

November 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.