

Town of Pendleton, NY
Zoning Board of Appeals (ZBA)
Meeting Agenda – June 23, 2026
Pendleton Town Hall - 7:00 PM

1. Public Hearings

a. **Peter Fitch**

4445 Tonawanda Creed Rd., North Tonawanda, NY. 14120.

- Owner wishes to construct a 40 x 60' (2,400 sf) accessory structure on the above referenced property where a maximum of 2,000 sf is permitted per §247-34(e). Property is zoned R-1 residential, 36.3 acres in size, irregularly shaped, and maintains a 165' front yard setback area variance (home built at 415' from right of way) from May 2024. Total relief sought: 400 sf accessory structure size area variance.

b. **Regency Builders**

Sublot 28, Regency Estates Subdivision (SBL # 136.00-1-46.12)

- Owner wishes to create a new lot as part of the already approved Regency Estates Subdivision across from 6408 Campbell Blvd. The proposed lot (Lot 28) is fully encumbered by easements and wetland areas and is not a buildable lot. The intent of this lot would be for recreational use only. The lot does not meet the minimum lot size or frontage requirements per Town Code §247-11(c)(1). Property is zoned R-2 residential and 27.24 acres in size, none of which is unencumbered. Total relief sought: 25,000 sf lot size area variance, and a 100' lot frontage area variance.

2. Open regular meeting of ZBA

3. Changes to agenda

4. Review minutes from prior meeting(s)

a. May 2026

5. Deliberation on Hearings

a. Fitch

b. Regency Estates

6. Review Correspondence

7. Special Topics

8. Miscellaneous ZBA items:

a. Next Meeting/Attendance:

- July 28, 2026 at 7:00 PM, Pendleton Town Hall.

b. Comments: ZBA members, Legal, Building Dept, Public

9. Adjournment

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.