

Agenda

City of Middletown Zoning Board of Appeals

February 15, 2017

7:00 PM to 9:00 PM

Common Council Chambers

Meeting called by:	Joel Sierra, Chairman
Clerk:	Martina Tu
Members:	Joel Sierra, Deborah Clark, Don Luis, Nicholas Barber, Andrew Green

Approval of January 18, 2017 minutes

28 Houston Avenue
Pasab Estates, LLC
5-year extension to comply with Amortization Ordinance

107-109 Highland Avenue
Grace Der Ohannesian
interpretation of the zoning ordinance

119 East Avenue
Oswald Dexter Boucher and Garry Sharon Boucher
5-year extension to comply with Amortization Ordinance

APPLICATION

ZONING BOARD OF APPEALS

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date _____

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 119 East Ave

Section ___ Block ___ Lot ___ Current Zoning District _____

Building: Existing New _____

2. Owner of Property Oswald Dexter & Garry Sharon Baucher

Owner's Address 3045 Gunther Ave

City Bronx State NY Zip 10469

Phone numbers: Home: _____

Business: _____

Cell: _____

3. Applicant name _____

If different from Owner

Applicants Address _____

City _____ State _____ Zip _____

Phone numbers: Home: _____

Business: _____

Cell: _____

4. **AREA VARIANCE.** An appeal is requested from the Zoning Board of Appeals to the Zoning Ordinance, Section 475 of the Code of the City of Middletown. Indicate the Article, Section, Subsection, Paragraph, Subparagraph and Title of the Section that are the subject of the appeal. Indicate the necessary amount of relief requested. Additional sheets may be attached if more space is necessary.

Section	Required Dimension	Actual Dimension	Variance Requesting
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a. _____

b. _____

The Zoning Board of Appeals, shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances, as defined herein. The Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider whether:

- (a) An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; and
- (b) The benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance; and
- (c) The requested area variance is substantial; and
- (d) The proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (e) The alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

6. AN INTERPRETATION OF THE ZONING ORDINANCE. Explain the circumstances of the Section in question, the Title of the Section, the nature of the request, and the person or agency making the original determination. Additional sheets may be attached if more space is required.

7. SIGN ORDINANCE. Indicate the section to be varied, the title, and the amount of the variance in excess of the ordinance. Explain all conditions that require the variance to be issued. Additional sheets may be attached if more space is required.

Section/ Title	Required Dimension	Actual Dimension	Variance required
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8. AMORTIZATION. Provide detailed reasons why the amortization period from July 13, 2009 to present was not reasonable and adequate to permit you to recoup the investment you made in the subject property pursuant to Section 475-44 (J) (4) of the Zoning Code. Your analysis must include the fact that you will be able to use the subject property as a two-family dwelling, a legitimate non-conforming use which may be continued and transferred. Your analysis should include the original purchase price, mortgages, income and expenses (including those projected for the two-family usage, and any other relevant financial or other information (limited to the subject property).