

# Agenda

# City of Middletown Zoning Board of Appeals

June 21, 2023

7:00 PM

Common Council Chambers

<b>Meeting called by:</b>	Jim Burtis, Chairman
<b>Clerk:</b>	Martina Tu
<b>Members:</b>	Wendy Rodrigues, Marc Woody, Mary Ann Cavallaro, Jim Burtis, Keith Hallock

Approval of May 17, 2023 ZBA minutes

Abraham Rosenbaum  
40 Adams Avenue  
Area variance for a single-family home

Orange Terrace Properties, LLC.  
Orange Terrace  
Area variances for a proposed six-lot subdivision

Shan Hua Jiang  
137 Linden Avenue  
Use variance (Non-owner occupied 2-family dwelling in OR-2)

# 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 137 LINDEN AVE

Section 17 Block 1 Lot 10 Current Zoning District OR-2

Building: Existing  New \_\_\_\_\_

2. Owner of Property SHAN JIA JIANG

Owner's Address 320 POCATELLO ROAD

City MIDDLETOWN State NY Zip 10940

Phone numbers: Home: 212-470-1103

Business: \_\_\_\_\_

Cell: 212-470-1103

3. Applicant name \_\_\_\_\_

*If different from Owner*

Applicants Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone numbers: Home: \_\_\_\_\_

Business: \_\_\_\_\_

Cell: \_\_\_\_\_

**5. USE VARIANCE.** Indicate on a separate piece of paper the specific reason(s) that the variance is necessary. All concerns listed below must to be addressed.

The Zoning Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of this ordinance, shall have the power to grant use variances, as defined herein.

No use variance shall be granted by the Board of Appeals without 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:

- (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; and
- (b) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; and
- (c) The requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (d) The alleged hardship has not been self-created.

The Board of Appeals, in granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(a) I SUBMIT 4 YEARS TAX RETURN SHOWING MY  
LOST, EVERY YEAR.

RIGHT NOW I CAN ONLY RENT ONE APARTMENT,  
I AM APPLYING TO RENT ANOTHER APT 1/0 OWNER  
OCCUPY, TO COVER MY LOST.

(b) MY PROPERTY IS 15000<sup>sq</sup> SF, 3 STORY BUILDING  
50 PARKING SPACES, ONLY ONE IN MY NEIGHBORHOOD.

(c) MY PROPERTY IS UNIQUE, CANNOT FIND 2ND ONE.

(d) I BOUGHT THIS PROPERTY IN 2017, LOT OF DRUG  
DEALER THERE, AFTER I BOUGHT IT AND CLEAN UP,  
CUT BUSHES, TREES, ~~DRUG~~ AND RENT THEM OUT, NOW  
WE HAVE NICE NEIGHBORHOOD.