

Agenda

City of Middletown Zoning Board of Appeals

October 21, 2015

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, Randy MacLean

Approval of September 16, 2015 minutes

25-29 Hanford Street

Ana Rivera

Area Variance

APPLICATION

ZONING BOARD OF APPEALS

City of Middletown, New York

Date deemed complete 9-9-15
Accepted by WCW

Date 9-9-15

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 25-29 HANFORD STREET, MIDDLETOWN, NY 10940

Section 30 Block 1 Lot 28 Current Zoning District R2

Building: Existing New

2. Owner of Property ANA RIVERA

Owner's Address 29 HANFORD STREET

City MIDDLETOWN State NY Zip 10940

Phone numbers: Home: _____

Business: _____

Cell: 845-629-6108

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 |
|-----------------------------|---------------------------|------------------|---------------------|
| #475-9 a. F-1C REAR YARD | 30' | 19' | 11' |
| b. | CONSTRUCTION OF REAR DECK | | |

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 |
|-------------------|-----------------------|---------------------|-------------------|
|-------------------|-----------------------|---------------------|-------------------|

8. Sign at the place indicated and print name.

Signature of applicant *Ana Rivera*

Printed name and title ANA RIVERA

Date 8.31.15