

Town of Hyde Park
ZONING BOARD OF APPEALS
4383 Albany Post Road
Hyde Park NY 12538
(845) 229-5111, ext. 2

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APR 28 2022

TOWN CLERK
HYDE PARK, NY

RESOLUTION TO GRANT AN AREA VARIANCE

David Rozan & Funda Saygin
42 Old Post Road
Staatsburg, NY

Date: April 27, 2022

Motion: Gerald Bowen

Resolution #22-04Z

Second: Paul Donnelly

WHEREAS, the applicant, Kristina Dousharm on behalf of David Rozan and Funda Saygin, has submitted an application for an area variance to construct a deck within the side yard setback (the "Project") at property located at 42 Old Post Road Staatsburg, NY 12580, identified as tax parcel no. 6167-03-018325, in the Hamlet Zoning District (the "Site"); and

WHEREAS, the Project is depicted on a plan entitled "Proposed Site Plan," prepared by Kristina Dousharm Architecture, dated 10/28/21 (the "Plan"); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit a side yard setback of 3 feet 10 inches where 10 feet is required (the "Requested Variance"); and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(17), the granting of an area variance for a single-family, two-family or three-family residence is a Type II action under the State Environmental Quality Review Act and is not subject to review under the Act; and

WHEREAS, a duly noticed public hearing was held on March 23, 2022 and continued to April 27, 2022, both during a duly noticed meeting during which all those who wished to speak were heard; and

WHEREAS, the applicable standards for considering an area variance are set forth in Town Law Section 267-b and Hyde Park Zoning Law Section 108-33.6(B)(2), which require the Board to 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 general neighborhood or community by such grant.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals makes the following findings in accordance with Section 267-b of the Town Law and Hyde Park Zoning Law Section 108-33.6(B)(2) regarding the Requested Variance:

1. The Requested Variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. Established vegetation in front of property will shield and provide adequate visual blocking. The deck will not be visible from the street and not observable or offensive to the neighbor to the north as it is hidden inside

the existing fence.

2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. The applicant wished to keep the visual aesthetics consistent with the footprint of the house. The alternative is to move the deck to the rear of the house, however the homeowner felt that change would leave an awkward empty space between the deck and the exterior wall of the house.
3. The Requested Variance is numerically substantial. The applicant seeks to increase by more than 50% from 10ft to 3ft 10in. While requested variance is a substantial increase it is important to note that the footprint of the house is not changing, nor will there be an alteration to the original character of the home either visually or ecologically.
4. The Requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district. The deck will be in keeping with the character of the neighborhood and substantially shielded from the street and neighboring properties. In addition, the deck will be constructed utilizing cedar wood pervious with proper runoff effected.
5. The difficulties are self-created as the applicant and owner of the property wishes to build a deck on his house. Additionally, the homeowner had no control over the fact the house was originally built within the setback in 1900 when no zoning laws were applicable.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variance subject to the following condition(s):

1. Pursuant to Section 108 – 33.5 F (1), the authorized activity must commence within one year from the date of issuance, otherwise this variance is revoked.
2. Payment of all fees.

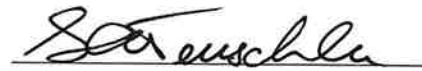
Adopted:

ROLL CALL VOTE BY SECRETARY

James Agrawal	YES
Gerald Bowen	YES
Paul Donnelly	YES
Richard Perkins	YES
David McNary	YES

CARRIED

Filed by,



Sarina Teuschler

Secretary to the Zoning Board of Appeals