

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

As amended
RESOLUTION TO GRANT AN AREA VARIANCE

Pedro Acero
8 Rymph Blvd
Poughkeepsie, NY 12601

Date: May 25, 2022

Motion: James Agrawal

Resolution #22-05Z

Second: Paul Donnelly

WHEREAS, the applicant, Pedro Acero, has submitted an application for an area variance to build a front deck with a covered porch (the "Project") at property located at 8 Rymph Boulevard, identified as tax parcel no. 6263-03-477473, in the Greenbelt Zoning District (the "Site"); and

WHEREAS, the Project is depicted on a sketch prepared by the applicant, dated April 12, 2022; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit the building of a 4' by 8' covered front porch with a 40' front yard setback where a 50' setback is required; 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 opened on April 27, 2022 and closed on May 25, 2022 during duly noticed meetings 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 a detriment to nearby properties. The variance

is reasonable and it will enhance the look of the house. Most of the other houses in the area are built within the required setback, therefore it conforms to the existing character of the neighborhood. Additionally, several of these houses also have covered front porches.

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 cannot rearrange the house or relocate the front door as it is cost prohibitive. The front door is off the ground level and the only access to it would be via steps to a deck to enter the residence.
3. The Requested Variance is numerically substantial. The variance requested represents a 20% reduction from 50' to 40'.
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 variance will add to the aesthetic appeal of house, therefore improving the neighborhood. The deck is relatively small, and will not produce negative environmental impacts.
5. The difficulties are self-created. The applicant purchased the house as is, and seeks to rehabilitate the property, including adding this porch.

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 the variance is revoked.
2. Payment of all fees and escrow.

Adopted:

ROLL CALL VOTE BY SECRETARY

James Agrawal	YES	
Gerald Bowen	YES	
Paul Donnelly	YES	
Richard Perkins	ABSENT	
David McNary	YES	CARRIED AS AMENDED

Recorded by,

Sarina Teuschler
Secretary to the Zoning Board of Appeals