



10 Reservoir Dr, PO Box 667, Millbrook, NY 12545
845-677-3419

www.washingtonny.org

AREA VARIANCE APPLICATION FORM

APPLICATION TO THE TOWN OF WASHINGTON ZONING BOARD OF APPEALS FOR AN AREA VARIANCE

REAL PROPERTY INFORMATION

Dutchess County Tax Map Number (1234-00-123456-0000)	135889-6763-00-180458-0000
Property Street Address	88 Oak Summit Road, Verbank, NY, 12585
Number of Acres	10
Zoning District from Zoning Map	LC
Describe the Current Use of the Property.	Single Family Residence
Is this property located in or near a Wetland or Wetland Buffer?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO May Require a Town Wetlands Permit or be ruled by the Aquifer Protection Requirements
Is this property within 500 feet of the boundary of the Village of Millbrook?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Is this application being made for a violation that currently exists on the property?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, the application fee is double.

OWNER INFORMATION

Name of Record Owner(s): If a corporation, LLC, Trustee, so state and submit form	Jade Zimmerman
Record Owner Mailing Address	88 Oak Summit Road
Record Owner Email Address	N/A
Record Owner Phone Number	N/A

NOTE: In addition to the above, please complete the following information if the application is submitted and signed by a representative of the owner. (ie: LLC, Corporation, Trustee or applicant's attorney, agent, architect, builder, contract vendee, etc.)

Name of Authorized Representative if different from owner:	Kris Schmitt
Business Name of Applicant	Neave Group
Applicant Mailing Address	80 Airport Drive, Wappingers Falls, NY, 12590
Applicant Email Address	mickey@neavegroup.com
Applicant Phone Number	845-463-0592

Please check to specify who you wish correspondence to be e-mailed to, from the above names:

 Applicant/Owner(s)
 X Authorized Representative

SUMMARY OF AREA VARIANCE REQUEST

Installation of pool in side yard of residence. Existing lot is non-conforming to current setbacks. Pool will be in side yard behind front plane of house

DESCRIPTION OF HARDSHIP

A Variance to the Zoning Ordinance is requested for the following five (5) reasons:

1. An undesirable change will not be produced in the CHARACTER of the neighbor or a detriment to nearby properties if granted, because:

The pool installation will take place in the side yard of the property which is a common location for a pool, and will feature a decorative fence barrier. No undesirable changes will be produced as pools are common in residential areas. Pool will have heavy landscape screening from the road

2. The benefit sought by the applicant CANNOT be achieved by some method feasible for the applicant to pursue, other than an area variance, because:

The rear of the property has an existing perennial water course flowing thru it which requires a 100' setback on both the FED. & NYS wetlands existing on the property. The proposed pool installation is set in the only place it can exist without encroaching on regulated wetland buffer setbacks.

3. The amount of relief requested is not substantial because:

The amount of relief is substantial although given the existing conditions of the property it is the only location outside of the wetland buffer for a pool installation with minimal impacts to adjacent properties

There will also be heavy landscape screening from the front road.

4. The variance will NOT have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:

The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood due to the minimal grading required for the pool and patio . The proposed pool has been located a far from the wetlands and their buffers as practical and will preserve the existing wetlands and associated buffers. Heavy landscape screening will also be installed to block the view from the front road.

5. Has the alleged difficulty been self-created? _____ Yes, or X No

Why:

The alleged difficulty is not self created due to the lot being pre-existing, non- conforming and the presence of wetlands and wetland buffers of 100' that take up the majority of the properties available building locations

DESCRIPTION OF PROJECT

Please write N/A in any section which does not apply to your application.

For Demolition of Existing Building Areas

Please describe area being removed:

N/A

New Construction Areas (New Dwelling, New Additions, Pool):

Dimensions of first floor extension: N/A to first floor but pool is 14'x40' = 560 SF

Dimensions of new second floor: N/A

Dimensions of floor above second level: N/A

Height (from finished ground to top of ridge): N/A

Is basement or lowest floor area being constructed? If yes, please provide height (above ground) measured from natural existing grade to first floor:

Submit manufacturer specifications for pools, sheds, etc.

Proposed Alterations or Structural Changes Construction

Please describe building areas: N/A

Number of Floors and General Characteristics **BEFORE** Alterations:

N/A

Number of Floors and Changes **WITH** Alterations:

N/A

Calculations of building areas and lot coverage:

Existing square footage of existing buildings on your property: 2835

Proposed increase of building coverage: N/A

Square footage of your lot: 435600

Percentage of coverage of your lot by building area: 0.66%

Purpose of New Construction

Installation of an inground 14'x40' gunite pool, associated patio and fence

Please describe the land contours (flat, slope %, heavily wooded, marsh area, etc.) on your land and how it relates to the difficulty in meeting the code requirement (s):

The property is mostly made up of NYS. & FED. wetlands that exist within a flood plain, with gradual slopes of 3% to 11% all directing towards the wetlands. The location is the only area outside of the wetland buffer

ADDITIONAL REQUIRED INFORMATION

Have any prior appeals been made with respect to this property?

_____ Yes ☒ NO

Such appeal(s) was (were) in the form of

N/A A requested interpretation

N/A A request for a variance

Name of Owner:

Date

Was appeal granted or denied?

N/A

N/A

N/A

Please provide copies of previously granted appeals.

Are there any Covenants or Restrictions concerning this land?

_____ Yes ☒ NO_____ If yes, please furnish a copy

Are the subject premises listed for sale on the real estate market?

_____ Yes ☒ No

Are there any proposals to change or alter land contours?

_____ No ☒ Yes please explain.

Grading around the pool area on north side to create smooth transition back into existing topography before wetland setback requirement of 100'. Max fill + cut up to 2'

Are there any wetland areas or buffers on the parcel?

☒ Yes _____ NO _____

Are those wetland areas or buffers shown on the survey submitted with this application?

☒ Yes _____ NO _____

If your property contains ponds, wetlands or buffer areas, have you contacted the Building Department for its determination of jurisdiction?

☒ Yes _____ NO _____

Does your application require Town, County, State, or Federal Permits?

_____ Yes ☒ NO _____ If yes, provide which agency and the type of application.

Has an application been made to or granted by any other entity, and by which agency? Provide copies

N/A

Are there any patios, structures, pools or fences that exist on your property that are not shown on the survey that you are submitting?

Yes ☒ NO ☐

If yes, please provide a plot plan showing all improvements.

Do you have any construction taking place at this time concerning your premises?

Yes ☒ NO ☐

Please submit a copy of your building permit and survey as approved by the Building Department

Describe the construction: N/A

Do you or any co-owner also own other land adjoining or close to this parcel?

Yes ☒ NO ☐ If yes, please label the proximity of your lands on your survey.

Please list present use or operations conducted at this parcel Single Family Residence
and the proposed use Single family residence with pool
(i.e.: existing single family, proposed: same with garage, pool or other)

NOTARIZED STATEMENT

By submitting this application, I hereby swear/affirm that this variance is the MINIMUM that is 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.

I further swear/affirm that the information in this application is a truthful and honest representation of the property for which this request is made.

I further swear/affirm that I will make an appointment with the Zoning Administrator within five business days of this application to allow for an inspection of said property.

Mickey Walker
Signature of Applicant or Authorized Agent
Agent must submit Owner Authorization Form

Mickey Walker
Printed Name

Sworn to before me this
2nd day of September, 2022.

Place Notary Stamp here:

Ann Marie Croniser
Signature of Notary
ANNAMARIE CRONISER
Notary Public, State of New York
No. 01KE6138659
Qualified in Dutchess County
Commission Expires 12-27-2025

ZBA AREA VARIANCE CHECKLIST TO BE COMPLETED BY APPLICANT.

Documents are required 21 days prior to a meeting. We suggest submitting earlier than 21 days to ensure the Town has a complete application. **If information is missing the appearance before the ZBA will be delayed.**

REAL PROPERTY INFORMATION

Dutchess County Tax Map Number (1234-00-123456-0000)	135889-6763-00-180458-0000
Property Street Address	88 Oak Summit Road, Verbank, NY, 12
Check or N/A	
* X	A complete application form, neatly printed or typed, signed in ink and six copies.
* X	Scaled site plan drawings of proposed project in an 11x17 or larger format, prepared by a NYS licensed engineer or surveyor. Drawings should be folded with the packet and include the name of the property owner and address on the drawings. These drawings can include, but are not limited to, the following: Site plan. Floor plan(s). Elevations. Any other details deemed necessary to explain this project. (Copies of pool plans, shed information, etc.)
* X	Survey maps of the property with the name of the property owner on the map. The map should be folded to fit in a legal sized file folder. The map must have the grid number legibly written on the back of the map.
* X	Legal proof of control of the property by ownership. (Deeds may be obtained from the Office of the Dutchess County Clerk or via the website: https://www.co.dutchess.ny.us/CountyClerkDocumentSearch/Search.aspx
	Certificates of occupancy for the subject premises. If any are lacking, please apply to the Building Department to either obtain them or to obtain an Amended Notice of Disapproval.
*	New York State Environmental Assessment Form. The type of environmental assessment form to be submitted will depend on the scope of work and proposed use described in the application. Please refer to the New York State Department of Environmental Conservation's website at www.dec.ny.gov/permits/357.html for further information as well as printing required forms
*	A set of at least four photographs labeled to show different angles of the yard areas after staking corners for new construction, and/or photos of building area to be altered.
*	Application fee: Four hundred dollars (\$400.00) for the first variance One hundred twenty-five dollars (\$125.00) for each additional area variance (For example, if you need a side yard variance and a rear yard variance the fee will be \$525.00) An escrow fee may be requested by the ZBA. Minimum fee \$750.00. Checks shall be made payable to "Town of Washington" Credit card payments are subject to an additional fee up to 2.95% charged by the credit card processing company.
* X	A Flash Drive or PDF of all documents, except the application fee. A PDF may be emailed to ZBA@washingtontny.org referenced as "ZBA Application/Owner's Name"
X	A plot plan of all improvements if not shown on the survey map.
X	Owner's affidavit providing permission for someone to act as their agent.
N/A	Approved Building Permit
N/A	Permits from other town, county, state or federal agencies.
* X	Owner's Endorsement