



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

[www.washingtonny.org](http://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<br>(1234-00-123456-0000)                               | 6964-00-514140-0000  |
| Property Street Address   | 245 Hammond Hill Rd Dover Plains, NY 12522   |
| Number of Acres   | 22.2   |
| Zoning District from Zoning Map   | Town of Washington   |
| Describe the Current Use of the Property.   | Homesite   |
| Is this property located in or near a Wetland or Wetland Buffer?                      | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO<br>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<br>If YES, the application fee is double.  |

#### OWNER INFORMATION

|   |                                       |
|---|---------------------------------------|
| <b>Name of Record Owner(s):</b><br>If a corporation, LLC, Trustee, so state and submit form | Micha Magid and Denise Magid          |
| Record Owner Mailing Address  | 400 E 67th Apt 19B New York, NY 10065 |
| Record Owner Email Address  | micha@mightyquinnsbbq.com             |
| Record Owner Phone Number   | 917-886-8637                          |

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: |  |
| Business Name of Applicant                                 |  |
| Applicant Mailing Address                                  |  |
| Applicant Email Address                                    |  |
| Applicant Phone Number                                     |  |

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

Applicant/Owner(s)  
 Authorized Representative

**SUMMARY OF AREA VARIANCE REQUEST**

I am requesting a variance to build a recreational barn that is less than 100 feet from the property line.

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**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 area is very wooded and the property line would remain protected by ample wooded and brush coverage. I also own the neighboring lot that is adjacent to the primary lot so the barn will not be a detriment to any neighbors.

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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 land has a material slope and this is the only remaining flat area to build on without incurring substantial expense.

The lot is also narrow which limits our options in order to keep the barn safely near the house.

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

The remaining uncleared setback would remain at 36 feet from the nearest corner of the barn to the neighboring lot which I also own.

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

The proposed barn site is not visible, or near the road. It is also in the style of other barns in the area.

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5. Has the alleged difficulty been self-created? \_\_\_\_\_ Yes, or  No

Why:

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## 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:

NA

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

Dimensions of first floor extension:

24' x 40'

Dimensions of new second floor:

NA

Dimensions of floor above second level:

NA

Height (from finished ground to top of ridge):

14

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

NA

**Submit manufacturer specifications for pools, sheds, etc.**

### **Proposed Alterations or Structural Changes Construction**

Please describe building areas: Wooded land

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

NA

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

1 story barn

### **Calculations of building areas and lot coverage:**

Existing square footage of existing buildings on your property:

Main house is 3,213 square feet. Guest house and garage structure is 1,111 square feet.

Proposed increase of building coverage:

960 square feet

Square footage of your lot:

967,032 square feet

Percentage of coverage of your lot by building area:

0.4%

### **Purpose of New Construction**

A recreational barn.

**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 land over the 22 acres has a slope downwards from the main home site. The uncleared areas are wooded with a good amount of brush. The proposed barn area is flat and would meet the building code requirements.

**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**

\_\_\_\_\_ A requested interpretation

\_\_\_\_\_ A request for a variance

Name of Owner:

Date

Was appeal granted or denied?

\_\_\_\_\_  
\_\_\_\_\_

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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.

Town \_\_\_\_\_

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

No

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**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:** \_\_\_\_\_

**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** existing single family house  
**and the proposed use** adding a barn

\_\_\_\_\_. (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.

\_\_\_\_\_  
Signature of Applicant or Authorized Agent  
Agent must submit Owner Authorization Form

\_\_\_\_\_  
Printed Name

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Place Notary Stamp here:

\_\_\_\_\_  
Signature of Notary

## 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<br>(1234-00-123456-0000) |   |
| Property Street Address                                 |   |
| <b>Check or N/A</b>                                     |   |
| *   | A complete application form, neatly printed or typed, signed in ink and six copies.   |
| *   | 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:<br>Site plan.<br>Floor plan(s).<br>Elevations.<br>Any other details deemed necessary to explain this project. (Copies of pool plans, shed information, etc.)                                      |
| *   | 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.   |
| *   | 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:<br><a href="https://www.co.dutchess.ny.us/CountyClerkDocumentSearch/Search.aspx">https://www.co.dutchess.ny.us/CountyClerkDocumentSearch/Search.aspx</a>   |
|   | 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 <a href="http://www.dec.ny.gov/permits/357.html">www.dec.ny.gov/permits/357.html</a> 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:<br>Four hundred dollars (\$400.00) for the first variance<br>One hundred twenty-five dollars (\$125.00) for each additional area variance<br>(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.<br><b>Checks shall be made payable to "Town of Washington"</b><br>Credit card payments are subject to an additional fee up to 2.95% charged by the credit card processing company. |
| *   | A Flash Drive or PDF of all documents, except the application fee. A PDF may be emailed to <a href="mailto:ZBA@washingtontny.org">ZBA@washingtontny.org</a> referenced as "ZBA Application/Owner's Name"  |
|   | A plot plan of all improvements if not shown on the survey map.   |
|   | Owner's affidavit providing permission for someone to act as their agent.   |
|   | Approved Building Permit  |
|   | Permits from other town, county, state or federal agencies.   |
| *   | Owner's Endorsement   |