



Washington

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)	6964-00 603163-0000
Property Street Address	1080 Route 343, Dover Plains, NY 12522
Number of Acres	3.25 acres
Zoning District from Zoning Map	RR-10
Describe the Current Use of the Property.	Single-family residence
Is this property located in or near a Wetland or Wetland Buffer?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> 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?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Is this application being made for a violation that currently exists on the property?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> If YES, the application fee is double.

OWNER INFORMATION

Name of Record Owner(s): If a corporation, LLC, Trustee, so state and submit form	Justin L. Fertlek
Record Owner Mailing Address	1080 Route 343, Dover Plains, NY 12522
Record Owner Email Address	jmfertlek22@gmail.com
Record Owner Phone Number	914.475.2495

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:	N/A
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

One (1) area variance in order to construct a 33 ft. x 18 ft. above ground swimming pool (above-ground) with 20 ft. x 14 ft. attached deck.

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:

If sited in the proposed location, the pool and deck would be located in a side yard behind the front corner of the dwelling. It would be behind an existing mature tree and would be well-screened from the street and from the adjacent parcel (currently vacant land).

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 parcel is a non-conforming lot 5.25 acres in size located in a 10-acre zoning district. Due to the siting of the existing dwelling, any improvements made to either side of the dwelling

would require variances, as the dwelling itself does not meet the required setbacks. Additionally, the septic fields are located in the front yard, with the well cap and electrical pole both located in the eastern side yard, making the western side yard

3. The amount of relief requested is not substantial because: the only feasible location.

Though the pool and deck in the proposed location do not meet the required side yard setbacks, they would still be located a substantial distance from both the street and the adjacent parcels to the side and rear (both of which are currently vacant lots). The variance requested is only 20% of the total required setback.

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

There will be minimal clearing of small trees and brush along the existing woodline, and the existing mature tree in the yard will remain; we intend to preserve the rural, forested aesthetic of the neighborhood.

5. Has the alleged difficulty been self-created? ☐ Yes, or ☒ No Why:

The substandard sizing of the lot necessitates a variance for virtually all future improvements to the property; the lot is less than 1/3 the size required in the RR-10 zoning district.

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

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:

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:

$$2,112 \text{ ft}^2 (\text{house}) + 144 \text{ ft}^2 (\text{shed}) = 2,256 \text{ ft}^2$$

Proposed increase of building coverage:

$$450 \text{ ft}^2 (\text{pool}) + 280 \text{ ft}^2 (\text{deck}) = 730 \text{ ft}^2$$

Square footage of your lot:

$$141,570 \text{ ft}^2 (3.25 \text{ acres})$$

Percentage of coverage of your lot by building area:

$$1,056 \text{ ft}^2 (\text{house}) + 144 \text{ ft}^2 + 450 \text{ ft}^2 + 280 \text{ ft}^2 = 1,930 \text{ ft}^2 / 141,570 \text{ ft}^2 = 1.4\%$$

↑ footprint only

Purpose of New Construction

Construction of a 33 ft x 12 ft, oblong swimming pool (above-ground) with 20 ft. x 14 ft. attached deck for the enjoyment of our family

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):

Across the distance between our front and rear property line, the lot gains approximately 200 ft. of elevation; the lot is limited on level locations. The proposed location, while lightly sloping, is one of the few locations we would be able to site any accessory structure at all.

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.

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

A building permit application has been made, but has not yet been approved.

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 existing single-family dwelling and the proposed use same with a pool and deck. (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

396 (33 FT.)

TRANSITION CORNER

- Bottom Rail Orange
39" X 9'R X 4 Places
- Inner Stabilizer Purple
37" X 9'R X 4 Places

CURVE SIDE

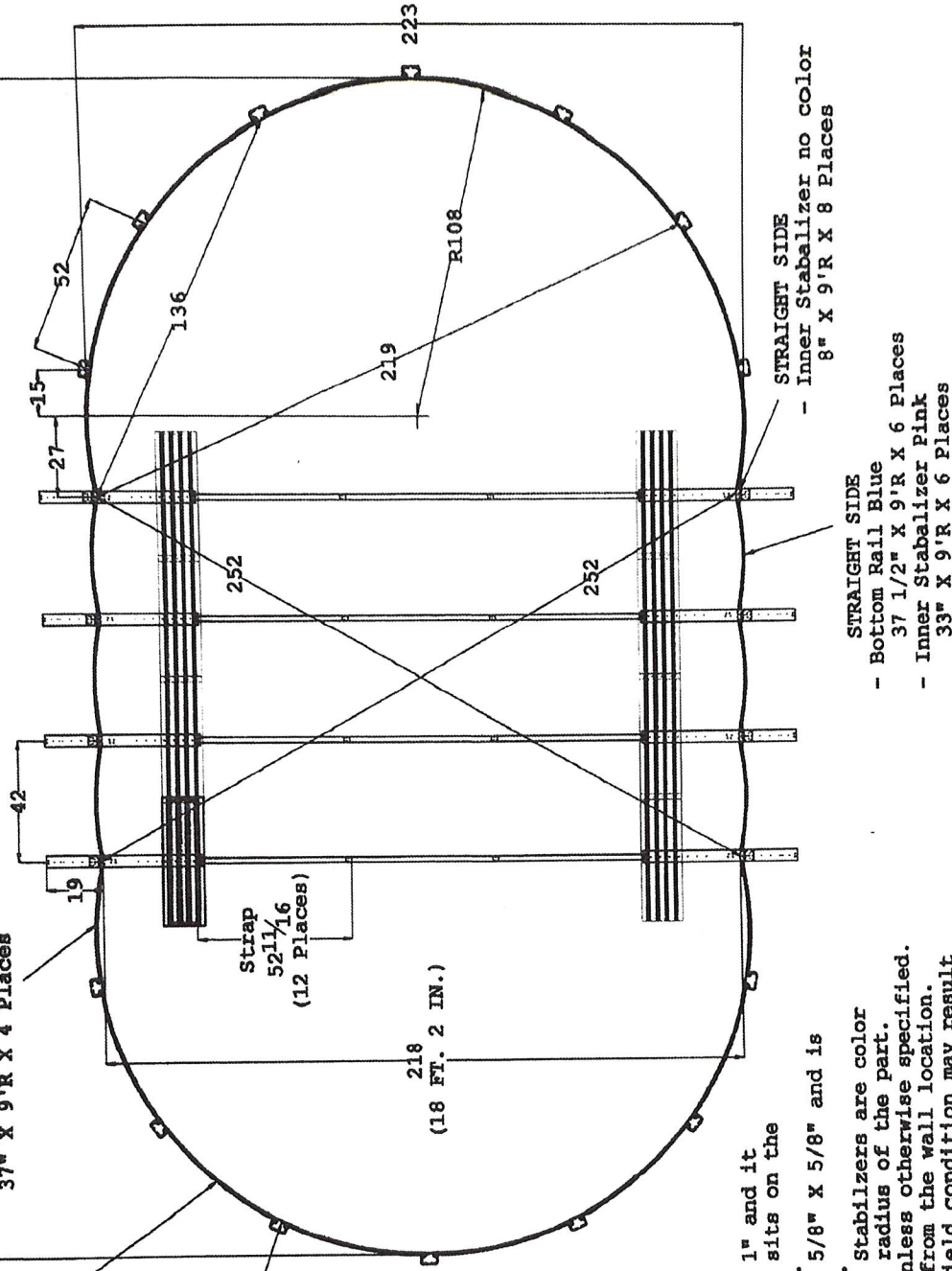
- Bottom Rail Black
50" X 9'R X 12 Places
- Inner Stabilizer Black
54 1/8" X 9'R X 12 Places

Gap between bottom rails in the bottom plate is 2 1/4"

Measure rail like this



DO NOT measure rail like this



Notes:

1. Wall length is 1053"
2. The bottom rail is approx 1" X 1" and it goes on the ground. The pool wall sits on the groove in the center of this part.
3. The Inner Stabilizer is approx 5/8" X 5/8" and is assembled on top of the pool wall.
4. The Bottom Rails and the Inner Stabilizers are color coded on the ends to indicate the radius of the part.
5. All dimensions are in inches unless otherwise specified.
6. All dimensions are referenced from the wall location.
7. Manufacturers tolerances and field condition may result in dimensional variations.

STRAIGHT SIDE
- Inner Stabilizer no color
8" X 9'R X 8 Places

STRAIGHT SIDE

- Bottom Rail Blue
37 1/2" X 9'R X 6 Places
- Inner Stabilizer Pink
33" X 9'R X 6 Places

WILBAR GROUP

50 Cabot Court, Hauppauge, N.Y. 11788-3716

Tel: (631) 951.9800 - Fax: (631) 951.9170

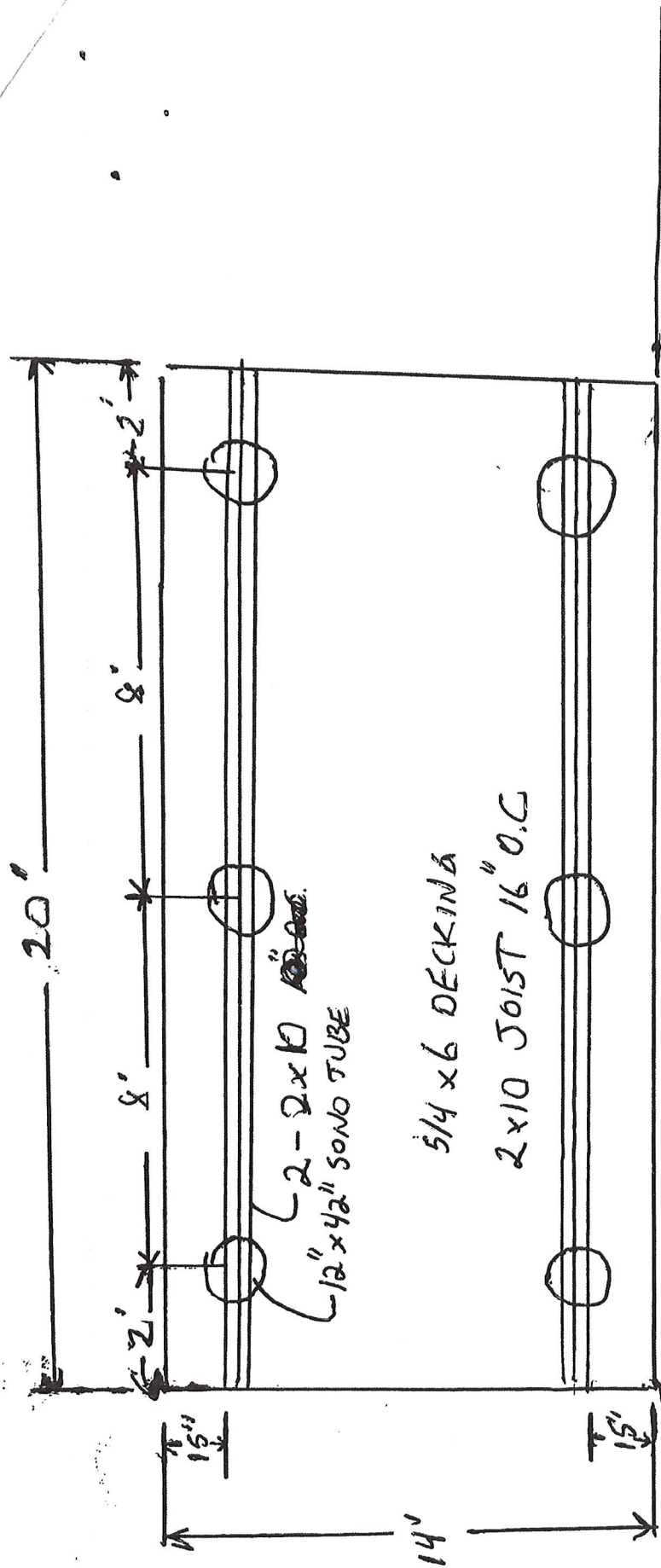
Product: POOL FOOT PRINTS

Model: 1833 YARDMORE

Drawn by: JCR

Scale: 1:60

Date: 8-28-12



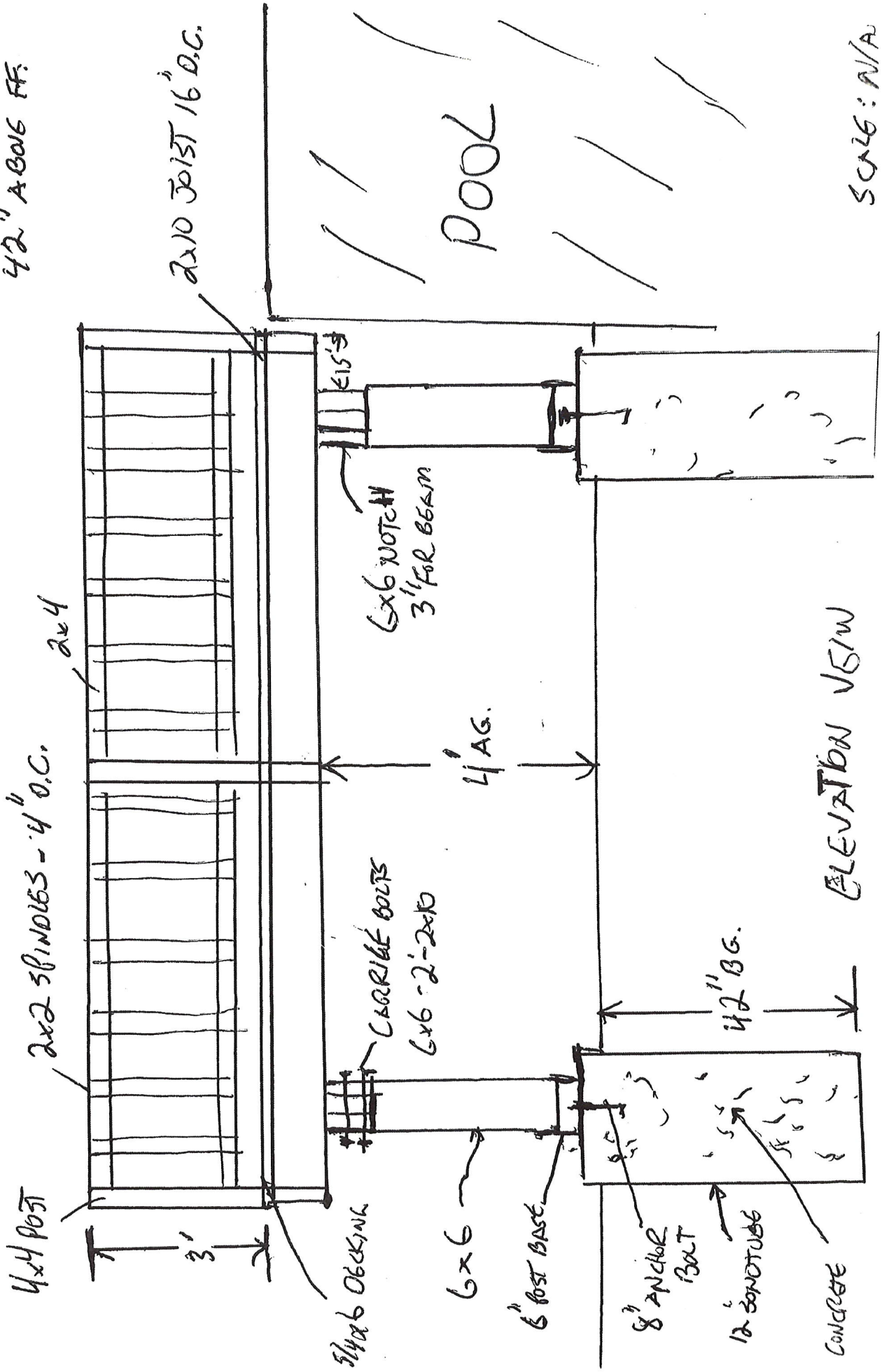
POOL

PLAN VIEW

SCA 12/12

PROPOSED PRESSURE TREATED DECK

SCIF CLOSING GATE
42" ABOVE FF.



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)	6964-00 605163-0000
Property Street Address	1080 Route 343, Dover Plains, NY 12522
Check or N/A	
* ✓	A complete application form, neatly printed or typed, signed in ink and six copies.
* ✓	<p>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:</p> <ul style="list-style-type: none"> Site plan. Floor plan(s). Elevations. <p>Any other details deemed necessary to explain this project. (Copies of pool plans, shed information, etc.)</p>
* ✓	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.
* ✓	<p>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:</p> <p>https://www.co.dutchess.ny.us/CountyClerkDocumentSearch/Search.aspx</p>
✓	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/policies/251.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.
* ✓	<p>Application fee:</p> <p>Four hundred dollars (\$400.00) for the first variance</p> <p>One hundred twenty-five dollars (\$125.00) for each additional area variance</p> <p>(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.</p> <p>Checks shall be made payable to "Town of Washington"</p> <p>Credit card payments are subject to an additional fee up to 2.95% charged by the credit card processing company.</p>
* ✓	A Flash Drive or PDF of all documents, except the application fee. A PDF may be emailed to ZBA@washingtonny.org referenced as "ZBA Application/Owner's Name"
N/A	A plot plan of all improvements if not shown on the survey map.
N/A	Owner's affidavit providing permission for someone to act as their agent.

	Approved Building Permit
N/A	Permits from other town, county, state or federal agencies
✓	Owner's Endorsement
	APPLICANTS ARE RESPONSIBLE FOR PUBLICATION OF NOTICE OF PUBLIC HEARING & MAILING TO ADJACENT NEIGHBORS CONSULT with ZBA Clerk for Notice of Public Hearing & Neighbor List The following two requirements must be provided to the ZBA Clerk two weeks prior to the meeting or the application will be removed from the agenda.
	Affidavit of Publication from Poughkeepsie Journal
	Proof of Mailing to Adjacent Neighbors from the United States Post Office (USPS Certified Mail Receipt for each neighbor)