

Memorandum

To: Town of Washington Zoning Board of Appeals
From: AKRF, Inc. (A. Werner, AICP, A. Moore)
Date: November 15, 2024
Re: Weller - 27 Jameson Hill Road
cc: Theresa Weller and Steven Thrower (property owner)
Kyle Barnett (ZBA Attorney)

AKRF, Inc. has reviewed the following documents and plans for the above referenced application as submitted on October 29, 2024:

- Area Variance Application, unsigned.
- Property Survey and Site Plan prepared by Robert V. Oswald dated September 4, 2024.
- Property Deed.
- Environmental Assessment Form (EAF) dated 10/28/24.
- Aerial photo (Parcel Access).
- Photos (4) of subject property and views.
- Photos (4) of neighboring properties.
- Representative photos (2) of proposed shed.

PROJECT DESCRIPTION

The Applicants, Theresa Weller and Steven Thrower as co-trustees of the Steven Thrower and Theresa Weller Living Trust, are seeking an area variance from the ZBA related to the placement of a 12 x 20-foot shed on a 0.34-acre residential property located at 27 Jameson Hill Road (tax parcels 135889-6566-02-623685, - 616683) in the RL-5 zoning district. As the minimum lot size in the RL-5 district is 5 acres, the property (0.34 acres) is undersized and nonconforming. The Applicants' property comprises two tax parcels divided by the municipal boundary between the Town of Washington and Town of Clinton. The subject parcel, lot 623685, where the shed would be placed, is within the Town of Washington. The subject parcel is currently improved with an 1840s farmhouse, accessory structures, stone wall, and gravel driveway. The other parcel, lot 616683, is located in Clinton and is unimproved, and no work is proposed on this parcel. The proposed shed is a 12 x 20 (240 sf) Amish-built, pre-constructed wooden shed, and it would be used to store antiques, which the Applicant sells. The shed would be placed south of the driveway and east of the stone wall. The proposed distance to the side (western) lot line is 1.3 feet where 75 feet is required, and it is 18 feet to the front lot line where 100 feet is required. Therefore, two area variances are required: a 73.7-foot side yard variance and an 82-foot front yard variance.

COMMENTS*APPLICATION COMPLETENESS*

1. The variance application form should be signed and notarized.
2. The application should include an Owners Endorsement, which is available on the ZBA webpage.

CODE COMPLIANCE

3. The shed is proposed to be located south of the driveway and east of the stone wall, which roughly coincides with this section of the side (western) lot line. The shed would be located 1.3 feet from the side (western) lot line where 75 feet is required. Therefore, an area variance for 73.7 feet is required for the side yard setback.
4. The shed would also be located approximately 18 feet from the front lot line where 100 feet is required. Therefore, the application also requires an area variance for 82 feet for the front yard setback.
5. The subject property is preexisting nonconforming as an undersized lot; the entire property (both parcels) is 0.34 acres where 5 acres is required. Due to this small size, all of the existing structures encroach on one or multiple of the required setbacks.
6. The Applicants' hardship statement lists additional site constraints including steep topography, large rocks, and placement of the preexisting structures. Per the statement, the proposed location is the only area that is relatively flat and suitable, with minimal grading, for the proposed shed.
7. As provided in the hardship statement and shown in the submitted photos, the property and proposed shed location are screened by existing trees and shrubs.
8. The application includes photographs of other structures on Jameson Hill Road with minimal setbacks, as well as similar structures on the road. The ZBA may request the addresses of these properties.
9. The property is not within the wetlands or protected buffer areas.

REFERRALS

10. The subject parcel is within 500 feet of the municipal boundary of the Town of Clinton. This application is therefore subject to General Municipal Law (GML) 239-m, which requires referral to Dutchess County. However, under the Referral Reduction Agreement between the Town and Dutchess County, area variances for residential uses are exempt from referral. Therefore, referral is not required.
11. Notification to the Town of Clinton (within 500 feet) is not required for area variances under GML-239-nn. According to the law, notice to an adjacent municipality within 500 feet of the action is required when a public hearing is held related to a special permit, use variance, site plan or subdivision. As the Applicants here are requesting an area variance, notification is not required.

SEQRA

12. This application is considered a Type II Action under the State Environmental Quality Review Act (SEQRA), which requires no environmental review or submission of an Environmental Assessment Form. The applicable Type II citation is as follows:
"6 NYCRR 617.5(c)(16) – granting of individual setback and lot line variances and adjustments"

RECOMMENDATION

At the November 19, 2024 ZBA meeting, AKRF recommends that the ZBA 1) discuss the application and consultant comments; 2) classify the application as Type II under SEQRA (6 NYCRR 617.5(c)(16)); 3) open the public hearing if prepared to do so; and 4) if the hearing can be closed, consider granting the requested area variances conditioned on the Applicant completing the application as noted above.