



VILLAGE OF MILLBROOK

35 MERRITT AVENUE PO BOX 349 MILLBROOK NY 12545 TEL: 845-677-3939 FAX: 845-677-3972

RODNEY BROWN
MAYOR

SARAH WITT
CLERK/ TREASURER

NICOLE ZEKO
DEPUTY CLERK

THE ZONING BOARD OF APPEALS NO. 2017-2

DECISION ON THE APPLICATION OF Mr & Mrs Jonathan Heunis.

In the matter of the appeal of Mr & Mrs Jonathan Heunis's request for 2 Area Variances to add a freestanding garage on the side yard to their property located at 2 Hillside Avenue in the Village of Millbrook, NY.

From a denial by the building inspector of a building permit on November 7, 2016 to erect a garage on the side yard of their property located at 2 Hillside Avenue in the Village of Millbrook because they do not meet the required setbacks in the R Zoning District.. The side yard would require 25 feet and the plans propose 22 feet. The rear yard would require 30 feet and the plans propose 23 feet.

Which will be _____
Than is permitted in R zoning district.

FACTS

1. Jonathan and Claudia Heunis (hereinafter "applicant") IS THE OWNER OF A .48 Acre parcel located at 2 Hillside Avenue. Grid No 135801-14-484354.

The property is improved by a freestanding garage on the side yard of their property.

The applicant proposes to erect a freestanding garage on the side yard of their property.

2. Section 230-11.L: Yard Requirements on Corner Lots. "On a corner lot, there shall be provided a side yard on a side street equal in depth to the required front yard. A rear yard shall be provided on each corner lot and the property owner shall elect which yard is the rear yard."

3. Notice of public hearing published in Poughkeepsie Journal on August 4, 2017

4. A public hearing on the above referenced application was held on August 10, 2017 at which time the hearing having been duly closed.

5. A site visit was conducted regarding this application

6. The application was referred to Dutchess County Department of Planning and Development pursuant to General Municipal Law, Article 12(B), Section 239(1) and (M) on July 20, 2017. The Dutchess County Department of Planning and Development responded by correspondence dated 7/26/17 stating that this is an exempt action that does not require a DC Planning review.

7. The application is considered a Type II action and exempt from SEQRA review.



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RECORD OF FINDINGS

The matter having come to be heard before a duly convened meeting of the Zoning Board of Appeals, and the facts, matters and evidence produced by the applicant, the Building Department and interested parties having been duly heard, received and considered and due deliberation having been had, the following is the record of findings:

The application was presented by Mr and Mrs. Jonathan Heunis

In making its determination on an area variance application, this board must take into consideration the benefits to the applicant(s) if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In doing so, this board must weigh the following statutory criteria:

Character of the Neighborhood and Detriment to Nearby Properties: N/A

Alternative Methods for Achieving Benefit Sought by Applicant: N/A

Substantiality of Variance Requested: N/A

Self-Creation of Difficulty: Yes – but not relevant.

Other Consideration(s): N/A



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DECISION OF THE ZONING BOARD OF APPEALS

Mr. Hay offered the following resolution which was seconded by Mr. Meyers who moved its adoption;

WHEREAS, the applicant applied for the following variance(s):

Mr. and Mrs. Jonathan Heunis request for 2 area variances (3 ft on the Ciferri Drive side and 7 ft on the rear of their property) to add a freestanding garage on the side yard of their property located at 2 Hillside Avenue in the Village of Millbrook, NY.

WHEREAS, the board considered the facts of the case and the matters and evidence produced by the applicant, Building Department, and any interested parties, having been duly heard, received and considered and due deliberation having been had in consideration of the record of findings

WHEREAS, The Zoning Board of Appeals has taken into consideration the benefit to the applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such a grant

NOW THEREFORE BE IT RESOLVED that the attached Record of Findings be issued and the Zoning Board of Appeals finds:

The Zoning Board of Appeals unanimously approved this request at their August 10, 2017 meeting.

The foregoing resolution was duly put to a vote which resulted as follows:

| | AYE | NAY | ABSTAIN | ABSENT |
|------------------|-----|-----|---------|--------|
| Timothy Capowski | X | --- | --- | --- |
| Andrew Doro | X | --- | --- | --- |
| John Hay | X | --- | --- | --- |
| Earl Meyers | X | --- | --- | --- |

Date of Decision: August 10, 2017

Secretary: Suzanne P. Gould

Seal

Village Clerk: Sarah Witt

FILED THIS DATE 8/14/2017 IN THE OFFICE OF THE VILLAGE CLERK