

Town of Olive  
Code 155-37 ZBA Appeals

Area variances.

**[1]** The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of this chapter, to grant area variances as defined herein.

**[2]** In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant 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 making such determination the Board shall also consider:

**[a]** Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

**[b]** Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

**[c]** Whether the requested area variance is substantial;

**[d]** Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;  
and

**[e]** Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Please see the Appeal on the pages, below.

489 Beaverkill Road  
Olivebridge, NY

**SCOPE OF WORK:**

REPLACE EXISTING 614 SF FOOTPRINT GARAGE & STORAGE & HOME OFFICE STRUCTURE WITH A PROPOSED 792 SF FOOTPRINT GARAGE & HOME OFFICE & STORAGE. EXISTING IS 49' FROM CENTER OF ROAD AT FRONT & 3' FROM THE NORTH SIDE PROPERTY LINE. PROPOSED IS 62' FROM THE FRONT AND 4.5' FROM THE SIDE.

**APPEAL**

**1. Request for a right Side Setback Variance:**

Required setbacks are 25' side yard and 50'+25' front yard.

Please see drawings A0, A0.0 and A1.1 showing the location of the existing accessory structure (3' from right side property line and 49' from center of road); The proposed structure location is moved further in and back; 4.5' from right side property line and 62' from the center of road).

The proposed is more in conformance. The variance request is 21.5' side yard and 13' front yard.

**2. Reference to code section 155-13, Preexisting Uses of Land and Buildings:**

Request for accessory structure Area Variance, whereas the existing non-conforming structure is 614 SF footprint and the proposed is a 792 SF footprint. The upstairs is a storage loft with low side walls. The proposed total building area (including each floor of useable space) is 792 SF at the ground floor + 350 SF upstairs to the 5' high ceiling line (and 236 SF to the 6'-8" ceiling line) = smaller than the 100% allowable increase.

**"155-13 C. Preexisting use of buildings.**

**(1)** A building or a structure, the use of which does not conform to the use regulations for the district in which it is situated, may be enlarged or extended but not to exceed a 100% gross floor area as determined by the Board of Appeals."

## ZONING APPEAL NOTES:

**[a]** Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

**No. The contrary. The present garage structure is setback 49' at the front. The proposed building upgrade brings the structure in conformance with Zoning code, with the front moved back to 62'. The existing garage structure is 51'-3" in length. The proposed is 42' length.**

**Please see the drawings A0.0 existing location of structures, and A1.1 proposed location, and drawing A1.2 with 3D modeled views and A2.1, proposed building elevations.**

**[b]** Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

**No. The present garage structure location is not in conformance to code. The distance at the side to the property line is 3'. The proposed structure, as stated in (a.) is moved back and in and shortened at the side. The garage location makes sense on this site as it is located at the driveway, and by the house and front door.**

**[c]** Whether the requested area variance is substantial;

**No. The proposed building is more conforming than the existing structure. There is no change in use or function.**

[d] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

**No. The proposed building is more conforming than the existing structure, and is an improvement to the view from the road, both visually and as it is proposed to be setback an additional 13' from Beaverkill Road.**

[e] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

**Not self-created. The existing garage exists, and the proposed replacement building will be upgraded to present building code and is more conforming to ZBA requirements than the existing structure.**

Town of Olive  
Schedule of Residence and Business and Industry District Standards

(Standards shown are minimum requirements, unless otherwise indicated)  
(Dimensions in feet, unless otherwise indicated)

Standards	R/C-10A	R/R-3A	R/E-1A	REQUIRED	EXISTING	PROPOSED
1. Lot area per dwelling unit	10 (acre)	3 (acre)	1 (acre)		R1 1.8 acre	R1 1.8 acre
2. Lot width at main building line	500	300	125		234.2'	234.2'
3. Lot depth	800	400	150		342.95'	342.95'
4. Front yard	50	50	50		49' to ctr. of road	62' to ctr. of road
5. Side yard (each)	100	50	25		3'/155'	4.5'/155'
6. Rear yards	100	75	50		244'	247'
7. Maximum height:						
Stories	2½	2½	2½		1 story	1.5 story
Feet	35	35	35		14' / 20' house	21'+/- height to peak
8. Maximum building coverage (all buildings)	3%	5%	15%		5.3% incl. drive	6.25% incl. drive
9. Required off-street parking spaces				(As required by Article V)	1 car gar. + drive	1 car gar. + 13' longer drive

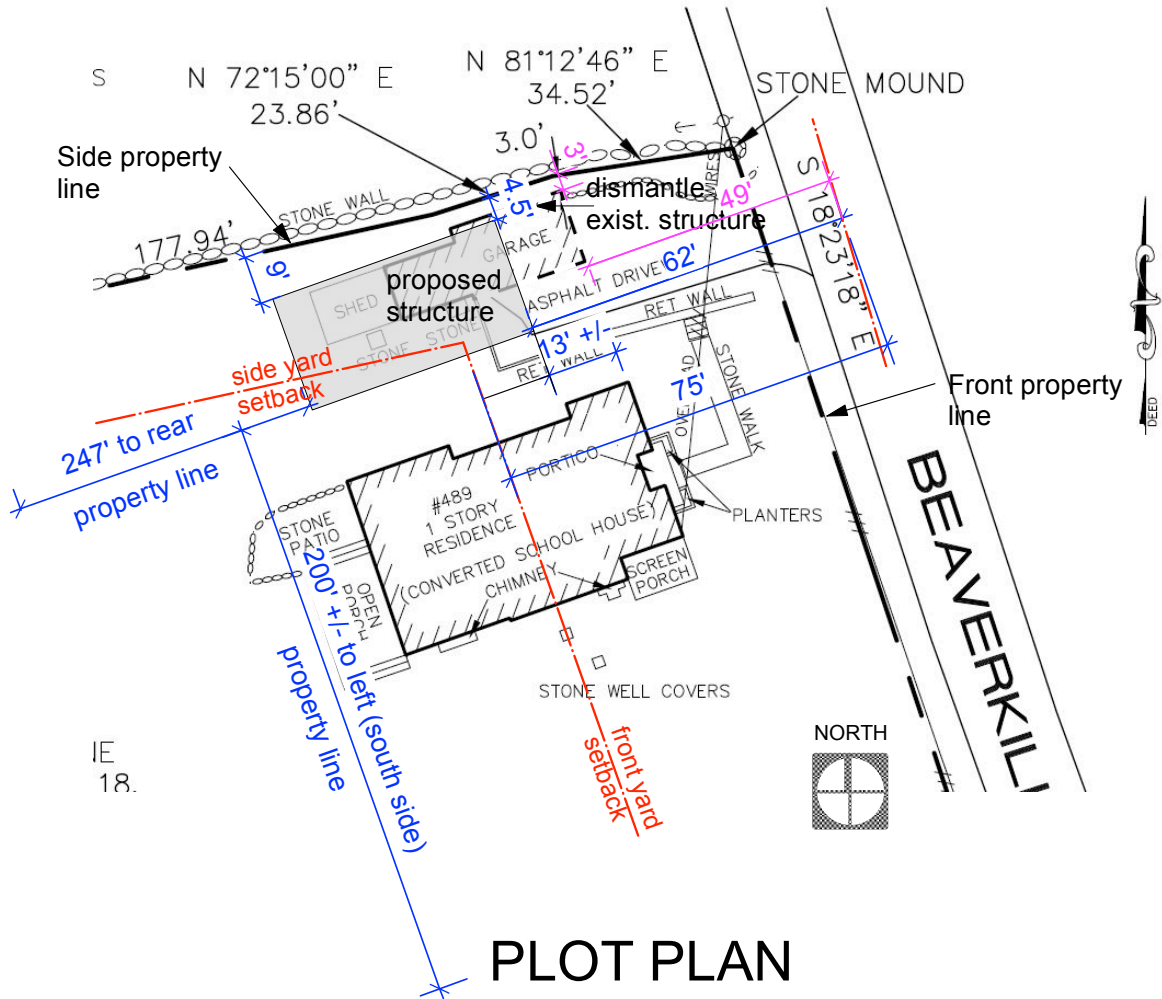
**NOTES:**

On streets with less than a fifty-foot right-of-way, the front yard setback shall be measured from the center line of the right-of-way if known, and 25 feet shall be added to the required front yard setback. On streets of unknown right-of-way, the same procedure shall be followed except that measurements shall be taken from the center line of the existing roadway.

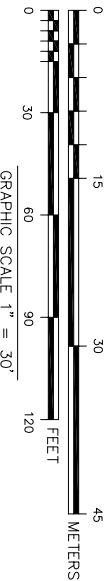
In special permit and site plan review and approval, the Planning Board shall have the authority to modify these standards, in the interest of the public welfare, up to 10%.

See § 155-8 for permitting smaller lot size.

Minimum lot size for certain commercial uses is ½ acre; residential and certain other uses in these districts require larger lot sizes as per § 155-16.



PLOT PLAN



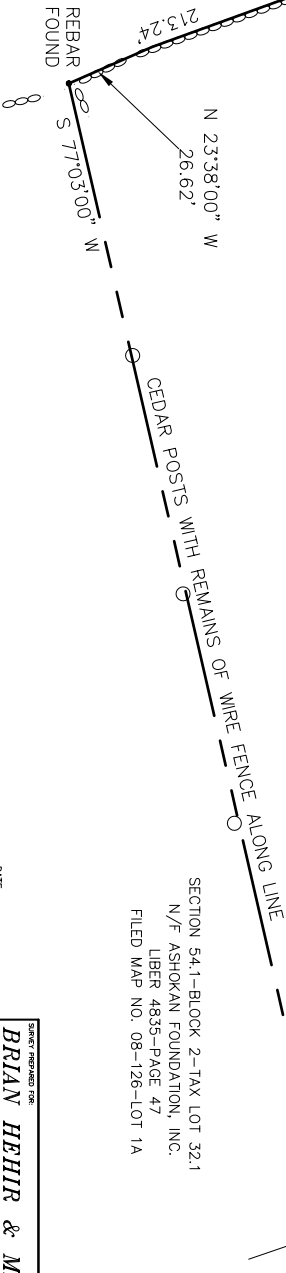
SECTION 46.3-BLOCK 2-TAX LOT 28  
N/F MATTHEW COOGAN & CHRISTA BIANCHI  
LIBER 3871-PAGE 127

SECTION 46.3-BLOCK 2-TAX LOT 27  
N/F JANE LEVY, TRUSTEE OF THE JANE  
LEVY REVOCABLE TRUST OF NOVEMBER 18,  
2013 AND GERALD GOLDMAN, TRUSTEE OF  
THE GERALD GOLDMAN REVOCABLE TRUST  
OF NOVEMBER 18, 2013  
LIBER 5778-PAGE 4

TOTAL AREA=  
81,813 SQ. FT.  
OR  
1.878 ACRES

SECTION 54.1-BLOCK 2-TAX LOT 32.1  
N/F ASHOKAN FOUNDATION, INC.  
LIBER 4835-PAGE 47  
FILED MAP NO. 08-126-LOT 1A

SECTION 54.1-BLOCK 2-TAX LOT 32.1  
N/F ASHOKAN FOUNDATION, INC.  
LIBER 4835-PAGE 47  
FILED MAP NO. 08-126-LOT 1A



Hand-drawn alterations or additions to this survey is a violation of section 2709, subdivision 2, of the New York Real Property Law. The surveyor's name and the date of the survey map not bearing the land shall not be considered to be a valid copy.

**NOTES**

1. FIELD WORK WAS CONDUCTED ON NOVEMBER 18, 2013. ALL NECESSARY MEASUREMENTS WERE TAKEN ON THE SPOT.
2. PROPERTY LINES, BERGANS, AND DEED FILED WITH THE ULSTER COUNTY CLERK'S OFFICE, LIBER 5778-PAGE 4 IN LIBER 5778-PAGE 4.
3. UNDERGROUND UTILITY LINES, IF ANY, ARE NOT SHOWN, PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING "DOOR" AT 81' AND HAVE ALL UTILITY LOCATIONS MARKED ON THE DRAWING.

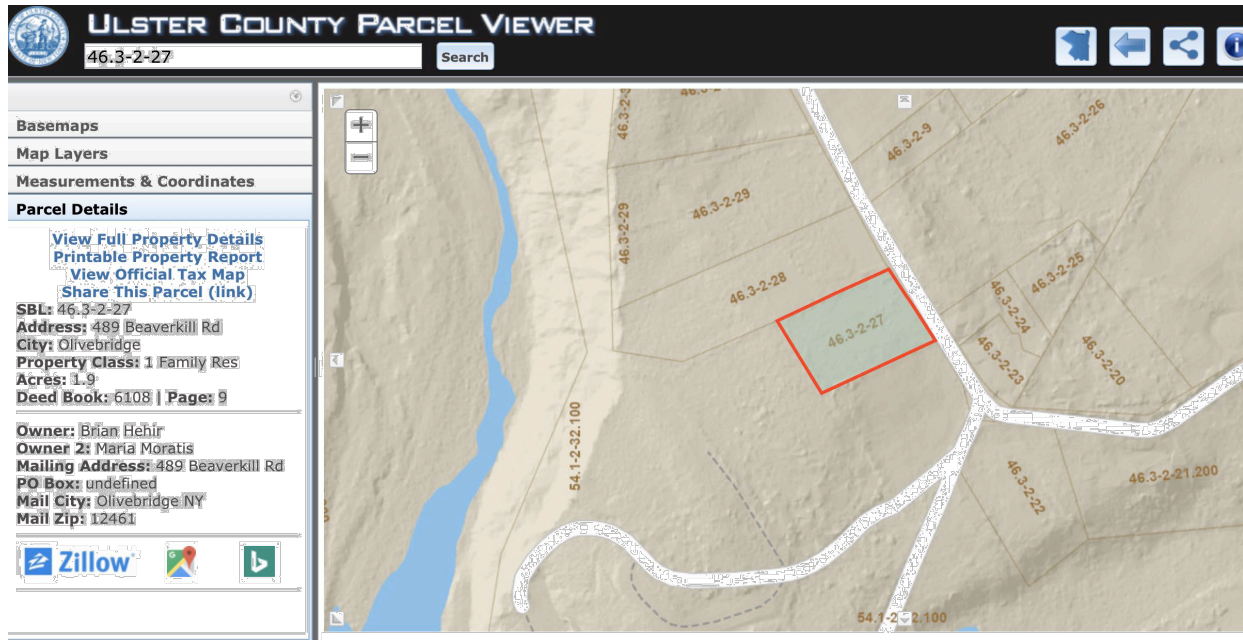
**CERTIFICATION**  
I, JOHN GEO HEDDECKER, A LICENSED LAND SURVEYOR IN THE STATE OF NEW YORK (LICENSE NO. 50719), DO HEREBY CERTIFY THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ASSOCIATION OF THE STATE OF NEW YORK AND THE PROFESSIONAL LAND SURVEYORS' ASSOCIATION OF THE STATE OF NEW YORK. THIS CERTIFICATION IS TRANSFERABLE TO THE PARTIES WHOSE NAMES ARE NOT LISTED BELOW.

1. BRIAN HEHR
2. MARIA MORATIS
3. JANE LEVY, TRUSTEE OF THE JANE LEVY REVOCABLE TRUST OF NOVEMBER 18, 2013
4. HOMETOWN BANK OF THE HUDSON VALLEY ISOLA
5. WESTCORN LAND TITLE INSURANCE COMPANY

JOHN GEO HEDDECKER N.Y. STATE LAND SURVEYOR LIC. # 50719  
42 CROWN STREET  
KINGSTON, NEW YORK 12401  
(914)-391-1769  
jheddecker@heddecker.com

<b>BRIAN HEHR &amp; MARIA MORATIS</b>		PROJ. NO. 186HLS126
DATE: DECEMBER 22, 2016	PROPERTY SURVEY SECTION 46.3-BLOCK 2-TAX LOT 27 #489 BEAVERKILL ROAD TOWN OF OLIVE ULSTER COUNTY, NEW YORK	SHEET NO. 1 OF 1
DRAWN BY: E.M.		JOB # 1
CHK BY: J.H.		CAD FILE: 186HLS126.dwg
SCALE: 1" = 30'		





## Subject Property:

**SBL:** 46.3-2-27

**Address:** 489 Beaverkill Rd

**City:** Olivebridge

**Property Class:** 1 Family Res

**Acres:** 1.9

**Deed Book:** 6108 | **Page:** 9

**Owner:** Brian Hehir

**Owner 2:** Maria Moratis

**Mailing Address:** 489 Beaverkill Rd

**PO Box:** undefined

**Mail City:** Olivebridge NY

**Mail Zip:** 12461

## Abutting Properties:

**SBL:** 46.3-2-28



**Address:** 495 Beaverkill Rd  
**City:** Olivebridge  
**Property Class:** 1 Family Res  
**Acres:** 3.6  
**Deed Book:** 3871 | **Page:** 127

**Owner:** Matthew Coogan  
**Owner 2:** Christa Bianchi  
**Mailing Address:** 495 Beaverkill Rd  
**PO Box:** undefined  
**Mail City:** Olivebridge NY  
**Mail Zip:** 12461

**SBL:** 46.3-2-26  
**Address:** 492 Beaverkill Rd  
**City:** Olivebridge  
**Property Class:** Rural res  
**Acres:** 13.3  
**Deed Book:** 6238 | **Page:** 141

**Owner:** Malia F. Mason  
**Owner 2:** David W. Katch  
**Mailing Address:** 492 Beaverkill Rd  
**PO Box:** undefined  
**Mail City:** Olivebridge NY  
**Mail Zip:** 12461

**SBL:** 46.3-2-24  
**Address:** 486 Beaverkill Rd  
**City:** Olivebridge  
**Property Class:** 1 Family Res  
**Acres:** 0.73  
**Deed Book:** 6499 | **Page:** 328

**Owner:** Peter C Grandia  
**Owner 2:** Helen U Grandia  
**Mailing Address:** 486 Beaverkill Rd  
**PO Box:** undefined  
**Mail City:** Olivebridge NY

**Mail Zip:** 12461

**SBL:** 54.1-2-32.100

**Address:** 477 Beaverkill Rd

**City:** Olivebridge

**Property Class:** Educatn fac

**Acres:** 80.62

**Deed Book:** 4835 | **Page:** 47

**Owner:** Ashokan Foundation Inc

**Mailing Address:** 477 Beaverkill Rd

**PO Box:** undefined

**Mail City:** Olivebridge NY

**Mail Zip:** 12461