

Zoning Board of Appeals
May 21, 2019

The Zoning Board of Appeals met for a scheduled meeting on Tuesday, May 21, 2019, at 7:07 p.m. in the Municipal Center courtroom, One Municipal Plaza, Beacon, New York. Chairman Robert Lanier, Members Judy Smith, Jordan Haug, David Jensen, and Garrett Duquesne (in at 7:30); City Attorney Drew Gamils and Building Inspector David Buckley were in attendance.

Mr. Lanier called for corrections/additions or a motion to approve the minutes of the April 16, 2019 meeting. Mr. Haug made a motion to approve the minutes of the April 16, 2019 meeting as presented, seconded by Mr. Jensen. All voted in favor. Motion carried; 4-0.

ITEM NO. 1 REVISED APPLICATION SUBMITTED BY MARIANNE HUGHES JOINER, 27 FOWLER STREET, TAX GRID NO. 30-5954-44-972638-00, R1-5 ZONING DISTRICT, TO CREATE AN ACCESSORY APARTMENT IN AN ACCESSORY STRUCTURE WHICH REQUIRES RELIEF FROM THE FOLLOWING: SECTION 223-24(1)(F) TO PROVIDE ONE OFF-STREET PARKING SPACE (2 OFF-STREET PARKING SPACES REQUIRED) AND SECTION 223-26(C)(1) TO CREATE A PARKING AREA IN THE REQUIRED FRONT YARD

The public hearing on the revised application submitted by Marianne Hughes Joiner, 27 Fowler Street, to create an accessory apartment in an accessory structure which requires relief from Section 223-24(1)(F) to provide one off-street parking space and Section 223-26(C)(1) to create a parking area in the required front yard was opened on a motion made by Mr. Haug, seconded by Mr. Jensen. All voted in favor. Motion carried.

Architect Steve Whalen, described changes that were made to the site plan which resulted in a reduced number of variances needed to create the accessory apartment at 27 Fowler Street. The structure will be slightly relocated to be in compliance with side and rear yard setbacks, and the building has been reduced to 366 sq. ft. to eliminate the need for a size variance. The only variances needed are to provide three off-parking spaces where four are required, and to allow one of the three spaces to be located in the required front yard setback. Mr. Lanier opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, asked for clarification on the application. She thought it was another case therefore had no comment.

There were no further comments and Mr. Haug made a motion to close the public hearing, seconded by Ms. Smith. All voted in favor. Motion carried.

Discussion took place with regard to the four space parking requirement in context of this applicant's situation. Although in this case the reduction did not seem onerous, consideration was given to the need for all four spaces when future owners potentially rent out the accessory apartment. Members contemplated adding a condition to restrict owners from renting out the accessory apartment until the additional space is made available however City Attorney Drew

Gamils advised against it because the variance runs with the land in perpetuity and enforcement would be difficult. Mr. Buckley noted discussion has taken place at the City Council about possibly reducing the number of parking spaces required for accessory apartments. Consideration was given to the amount of on-street parking available, to the small size of the accessory apartment, the improbability of renters owning two vehicles, and that the plan must go through the Special Use Permit and Site Plan Approval review process. Mr. Whalen explained that although four spaces could be created, two of those spaces would be situated in the front yard setback which would require an additional variance.

Members carefully reviewed each of the five criteria established for granting area variances as they related to the request to create the accessory apartment with three off-parking spaces, one of which will be located in the required front yard setback. Members discussed each factor and gave careful consideration to any impacts to the character of the neighborhood, achieving the benefit by other feasible methods, whether the request was substantial, review of environmental and physical impacts, and whether the need for a variance was self-created. The applicant was informed of the standard conditions set forth in the draft resolution. After giving consideration to the approval process remaining, members agreed to give the applicant six months to commence construction and one year to complete construction and obtain a Certificate of Occupancy from the date of the final site plan approval resolution, and that construction must commence no later than two years from the date of the resolution.

After careful review, Mr. Haug made a motion to grant the variances as requested with the amended conditions as discussed, seconded by Mr. Jensen. All voted in favor. Motion carried.

There was no further business to discuss and the meeting was closed on a motion made by Mr. Haug, seconded by Mr. Jensen. All voted in favor. Motion carried. The meeting adjourned at 7:27 p.m.