

## Boyles Area Variance Resolution

**WHEREAS**, the Town of Pine Plains Zoning Board of Appeals is in receipt of an area variance application from John and Anne Boyles for property located at 6 Hammertown Road, Town of Pine Plains, Dutchess County, Tax Map ID #134200-6971-00-042983, and

**WHEREAS**, the application was submitted because the barn building in question was constructed without a building permit during a period when building permits were a requirement but prior to the adoption of the Zoning Law. The applicant is now seeking a Certificate of Occupancy for use of the property, and

**WHEREAS**, the Certificate of Occupancy was denied because the barn building does not meet current setback requirements, and

**WHEREAS**, after review of the application including: review of a Short Form EAF, a site visit on August 27, 2013, a legally noticed public hearing held on August 27, 2013, a review from Dutchess County Department of Planning, a review of the Town habitat map, and

**WHEREAS**, the proposed action is a Type II action under SEQRA and, by law, is not considered to have significant impact on the environment and no further environmental review is required, and

**WHEREAS**, the granting of the variance to allow a 10 foot 9 inch side yard setback rather than the required 50 foot side yard setback and a 26.9 foot rear yard setback rather than the required 75 foot rear yard setback for a pre-existing barn will not produce an undesirable change to the neighborhood nor be a detriment to nearby properties as the building already exists, and

**WHEREAS**, the building was constructed prior to the Zoning Law being adopted hence there is no other method for the applicant to proceed other than an area variance, and

**WHEREAS**, no neighbors expressed any concerns regarding the existing building, and

**WHEREAS**, the granting of the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood, and

**WHEREAS**, this building was created prior to the passing of the Zoning Law hence the zoning-related hardship was not self-created after Zoning was adopted, and

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**WHEREAS**, the Board finds that the topography of the lot limits the placement of the barn building to the present location, and

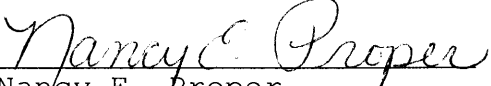
**NOW THEREFORE BE IT RESOLVED** that based upon the preceding findings, the Zoning Board of Appeals of the Town of Pine Plains hereby grants the application for a variance for the barn building to the side yard setback requirement found in the Schedule of Bulk Regulations, Table B, allowing the minimum side yard setback to be reduced to 10 feet 9 inches, and

**ALSO BE IT RESOLVED** that based upon the preceding findings, the Zoning Board of Appeals of the Town of Pine Plains hereby grants the application for a variance for the barn building to the rear yard setback requirement found in the Schedule of Bulk Regulations, Table B, allowing a minimum rear yard setback to be reduced to 26.9 feet.

On a motion by Jane Waters, seconded by Margo Jackson

Scott Chase	voted Aye
Margo Jackson	voted Aye
Bruce Pecorella	Absent
Mike O'Neill	voted Aye
Jane Waters	voted Aye
Dick Hermans	voted Aye

The resolution is hereby duly adopted on the 27<sup>th</sup> day of August 2013.

  
Nancy E. Proper  
Secretary