

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by **Marianne Hughes Joiner** (the “Applicant”) for (1) a variance to provide one off-street parking space where two off street parking spaces are required pursuant to City Code § 223-24.1(F); and (2) a variance to permit an off-street parking facility in the required front yard setback where no off-street parking facility is permitted to be developed in any required front yard setback pursuant to City Code § 223-26(C)(1), in connection with the proposal to convert and enlarge the existing garage into a one bedroom 366 square foot accessory apartment, on property located at **27 Fowler Street** in an R1-5 Zoning District. Said premises being known and designated on the tax map of the City of Beacon as **Parcel ID# 30-5954-44-972638** and

WHEREAS, a duly advertised public hearing on the application was held on April 16, 2019 and continued to May 21, 2019, at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, the Board closed the public hearing on May 21, 2019; and

WHEREAS, the proposed action is a Type II Action pursuant to the New York State Environmental Quality Review Act, and accordingly, no further environmental review is required; and

WHEREAS, the Board, from the application, after viewing the premises and neighborhood concerned, and upon considering each of the factors set forth at Section 223-55(C)(2)(b)[1]-[5] of the City of Beacon Zoning Code, finds with respect to the variances that:

- 1) The variances **WILL NOT** create an adverse impact to the character of the neighborhood;
- 2) The benefit the Applicant seeks **CANNOT** be achieved through another method, feasible for the Applicant to pursue, that does not require the variances;
- 3) The variances **ARE NOT** substantial;
- 4) The variances **WILL NOT** create any adverse impacts to the physical or environmental conditions of the neighborhood; and
- 5) The need for the variances **IS** self-created.

NOW, THEREFORE, BE IT RESOLVED, that said application for (1) a variance to provide one off-street parking space where two off street parking spaces are required pursuant to City Code § 223-24.1(F); and (2) a variance to permit an off-street parking facility in the required front yard setback where no off-street parking facility is permitted to be developed in any required front yard setback pursuant to City Code § 223-26(C)(1), in connection with the proposal to convert and enlarge the existing garage into a one bedroom 366 square foot accessory apartment, on property located at 27 Fowler Street, is hereby GRANTED.

BE IT FURTHER RESOLVED, that no permit or certificate of occupancy shall be issued until the Applicant has paid in full all application and consultant fees incurred by the City in connection with the review of this application.

BE IT FURTHER RESOLVED, that the Applicant has 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, notwithstanding the foregoing, construction must commence no later than two years from the date of this resolution.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals may grant a six month extension of this variance approval provided that a written request for an extension is submitted before the variance expires. Such extension shall only be granted upon a showing by the Applicant that the circumstances and conditions upon which the variance was originally granted have not substantially changed.

Chairman Lanier called the roll:

Motion	Second	Zoning Board Member	Aye	Nay	Abstain	Excused	Absent
		Robert Lanier	X				
		Garrett Duquesne				X	
X		Jordan Haug	X				
		Judy Smith	X				
	X	David Jensen	X				
Motion Carried			4	0			

Dated: May 21, 2019



Mr. Robert Lanier, Chairman