

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by **184 Main, LLC** (the “Applicant”) for a 15 foot rear yard setback variance where the minimum required rear yard setback is 25 feet pursuant to City Code § 223-41.18(E)(4), in connection with the proposed construction of a two story building with a 10 foot rear yard setback, on property located at **184 Main Street** in the Central Main Street (CMS) Zoning District. Said premises being known and designated on the tax map of the City of Beacon as **Parcel ID# 30-5954-27-811956**; and

WHEREAS, a duly advertised public hearing on the application was held on August 20, 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 August 20, 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, 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 variance:

- 1) The variance **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 variance;
- 3) The variance **IS NOT** substantial;
- 4) The variance **WILL NOT** create any adverse impacts to the physical or environmental conditions of the neighborhood; and
- 5) The need for the variance **IS NOT** self-created.

NOW, THEREFORE, BE IT RESOLVED, that said application for a 15 foot rear yard setback variance where the minimum required rear yard setback is 25 feet pursuant to City Code § 223-41.18(E)(4), in connection the proposed construction of a second story on the existing building with a 10 foot rear yard setback, on property located at 184 Main Street, is hereby GRANTED, subject to the following conditions:

1. 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.
2. The Applicant has six months to commence construction and one year to complete construction and obtain a Certificate of Occupancy from the date of this resolution.
3. _____

4. _____

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				
	X	Judy Smith	X				
		David Jensen	X				
Motion Carried			5	0			

Dated: August 20, 2019



Mr. Robert Lanier, Chairman