

**ZONING BOARD OF APPEALS**

City of Beacon, New York

**APPLICATION FOR APPEAL**

OWNER: Beacon Todd LLC

ADDRESS: 4 Cross St

Beacon NY, 12508

TELEPHONE: 646.284.3118

E-MAIL: Idonovan@hudsonstodd.com

APPLICANT (if not owner): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

REPRESENTED BY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

PROPERTY LOCATION: 18 W. Main St

ZONING DISTRICT: Linkage L-Zone

TAX MAP DESIGNATION: SECTION 5954

BLOCK 26 LOT 647966

Section of Zoning Code appealed from or Interpretation desired: section: 223-41.21

An area Variance is requested for a permitted use (retail) in an existing building governed by Zoning Code section 223-41.21

Reason supporting request:

Please see attached reason for Area Variance.

Supporting documents submitted herewith: Site Plan, Survey, etc. as required:

Please see attached documents: Neighborhood Plan, Survey, Site Plan, Building Plan, Text regarding Area Variance.

Date: 27-June-2017

JADen  
Owner's Signature

**Fee Schedule**

AREA VARIANCE           \$ 250  
USE VARIANCE            \$ 500  
INTERPRETATION:        \$ 250

\_\_\_\_\_  
Applicant's Signature

**\*\*escrow fees may apply if required by Chairman\*\***

**APPLICATION PROCESSING RESTRICTION LAW**  
**Affidavit of Property Owner**

*Joe D. noted 7/5/17  
 5:15pm - will make appointment by 7/7/17 - was unaware of ordinance  
 TDE*

Property Owner: Joseph Donovan ; Janet St Avar

If owned by a corporation, partnership or organization, please list names of persons holding over 5% interest.

List all properties in the City of Beacon that you hold a 5% interest in:  
Please see attached list of owned properties in Beacon NY, 12508.

Applicant Address: 4 Cross St Beacon NY 12508

Project Address: 18 W Main St, Beacon NY 12508

Project Tax Grid # 647966

Type of Application Variance

Please note that the property owner is the applicant. "Applicant" is defined as any individual who owns at least five percent (5%) interest in a corporation or partnership or other business.

I, Joe Donovan, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

- 1. No violations are pending for ANY parcel owned by me situated within the City of Beacon ✓
- 2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon NO
- 3. ALL tax payments due to the City of Beacon are current Yes
- 4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon NO
- 5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon NO
- 6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current Yes

Joe Donovan, Beacon Todd LLC  
 Signature of Owner  
Managing member of Beacon Todd LLC  
 Title if owner is corporation

Office Use Only:	NO	YES	Initial
Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)	✓	—	JM
ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)	—	✓	JM
ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)	—	✓	JM

## **Area variance: Brett's Hardware to be located at 18 W Main St in Beacon**

The variance requested is to allow this hardware store to occupy 6,600 SF in the existing building, rather than the 5,000 SF that would be allowed as-of-right.

The benefit to the applicant is that a larger complement of hardware merchandise could be displayed for sale.

- A local hardware store owner (a resident of Beacon, with two existing stores nearby in Newburgh and New Windsor) proposes to open a new local hardware store in the building at 18 W. Main St and requests a minimum of 6,600 SF to support a fully functional and viable business.
- The preferred sales area for this type of hardware store is 10,000 SF, the size of their Newburgh and New Windsor stores, but only 6,600 SF of contiguous area is available at 18 W Main Street, and this area will still allow them to display a nearly-complete range of hardware items for retail sale.
- A 5,000 SF store would considerably restrict the range of items that could be displayed, reducing the benefit of greater choice and convenience for customers, and reducing total anticipated sales volume for the hardware store proprietor.

The Applicant believes this variance would create no detriment to the health, safety or welfare of the neighborhood or the community.

- The hardware store will be a benign retail use serving local customers, and no negative environmental consequences are associated with the increase from 5,000 SF to 6,600 SF
- The traffic and parking associated with the commercial/retail space under consideration will be the same, regardless of whether the 6,600 SF is allocated to one business or two smaller businesses.

The Applicant believes there will be no undesirable change in the character of the neighborhood, nor will a detriment to nearby properties be created by the granting of the area variance.

- The hardware store will be located entirely within the existing multi-use building and no enlargement is proposed.
- The exterior appearance of this building is scheduled for an upgrade in the fall of 2017, regardless of whether the hardware store is 5,000 SF or 6,600 SF.

The Applicant believes the benefit sought by this area variance cannot be achieved by any other method.

The Applicant believes the requested area variance is not substantial.

- The hardware store occupies a small portion of the existing building.
- The 1,600 SF variance requested represents just 5% of the building's floor area.

The Applicant believes the proposed variance will not have any adverse effect or impact on the physical or environmental condition in the neighborhood or district.

The difficulty (the Zoning Code area limit which restricts this otherwise allowed retail use to a size which is not practical or efficient for the sale of hardware) was not self-created.

The Applicant believes the requested variance is the minimum variance necessary to permit their operation of a viable and vital local hardware store.