



*Civil & Environmental Engineering Consultants
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June 6, 2017

Mr. Tim Dexter
City of Beacon Zoning Administrator
1 Municipal Street
Beacon, NY 12508

Re: Variance Application
Prospect Street & Madison Avenue parcel
Tax Parcel: 6054-46-208527 (± 0.13 -acre)
City of Beacon, New York

Dear Mr. Dexter,

Enclosed please find the following items for your review:

- Five (5) copies of a plot plan
- Five (5) copies of the Application for Appeal
- Five (5) copies of the Application Processing Restriction Law
- Five (5) copies of the short Environmental Assessment Form
- One (1) CD with the above documents electronically
- One (1) check in the amount of \$250 (area variance fee)

The aforementioned parcel is located at the north corner of Madison Avenue and Prospect Street within the City's R1-10 zoning district. As the parcel is only 5,500 square feet in area (50 feet by 110 feet), the parcel is non-conforming to the zoning district in which it lies (required area is 10,000 square feet, minimum lot width is 85 feet). To compound the problem, it is a corner lot; thereby necessitating a larger yard along the street frontages. Per Section 223-13J, *on a corner lot in any residence district, there shall be provided a side yard on the side street equal in depth to the required front yard on said lot, or, if the lot is to be occupied by a one family home, such side yard may be reduced to 25% of actual (underlining added) lot width.* We interpret this as meaning that the yard setback along Madison Avenue (refer to the plan) would then be reduced to

12.5 feet. However, we are uncertain if the intent of the code is that the yard is reduced to 0.25 of the required lot width, which would be 21.25 feet (a difference of 8.75 feet).

Therefore, we are asking for an interpretation of the definition from the Zoning Administrator. Regardless of the interpretation, there is still a need to request yard variance – the side yard is 15 feet minimum and the total of the two side yards is 40 feet minimum. The rendered decision from the Zoning Administrator will determine the extent of the requested variances.

If our interpretation of the code is correct, the requested variances will be:

1. Side yard (to the existing property to the northeast) of 12.2 feet, where 15 feet is required, thereby requesting relief of 2.8 feet.
2. Side yard (total) of 24.7 feet, where 40 feet is required, thereby requesting a variance of 15.3 feet.

If the decision rendered is that in accordance with the secondary interpretation (using the minimum required lot width), the requested variances will be the same as above, plus item two that follows:

1. Side yard (to the existing property to the northeast) of 12.2 feet, where 15 feet is required, thereby requesting relief of 2.8 feet.
2. Side yard (to Madison Avenue) of 12.5 feet, where 21.25 feet is required, thereby requesting relief of 8.75 feet.
3. Side yard (total) of 24.7 feet, where 40 feet is required, thereby requesting a variance of 15.3 feet.

In either case, the required total side yard of 40 feet renders a buildable area of roughly 10 feet wide by 40 feet deep (note that the parcel is not square, so these provided dimensions may be slightly inflated), which is inadequate for construction of a reasonable conventional single-family home.

We assume that the deficient lot area and deficient lot width, since these components are pre-existing non-conforming, do not need a variance; however, we respectfully request a determination on the same. We refer to section 223-12(I), which we believe addresses this situation. Of course, if we are incorrect and a variance is required for those components, please add that to the list of requested variances.

Should you have any questions, please feel free to call me 845-440-6926.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daniel G. Koehler", with a stylized flourish at the end.

Daniel G. Koehler, P.E.
Principal

cc: Rina Shuman (via email)
Michael A. Bodendorf, P.E. (HLD file)