

**TOWN OF RHINEBECK
ZONING BOARD OF APPEALS
AGENDA
March 15 2017 - 7:30 PM**

I. CALL TO ORDER

II. MINUTES

7:30 pm Approval of Minutes for February 15, 2017 meeting.

1. NEW BUSINESS: None as of 3/06/17

2. PUBLIC HEARINGS

**7:45 pm Case # 947 Re: Lyons 224 Morton Road
Grid# 135089-6069-00-452188**

The Zoning Enforcement Officer reviewed the application for a permit for a Class 2 Home Occupation to an Attorney's office and later use as an accessory dwelling in a detached accessory garage. The proposed home occupation use is as situated in the front yard of your property at 224 Morton Road, and the property is situated in the HP20 zone.

Our Finding is that the site plan layout does not meet the Town Zoning code requirements in several areas as follows:

1. The Board should consider whether to consider these three buildings (house, garage, shed) as pre-existing non-conforming as to setbacks; the south side, side-yard setbacks, or whether the garage conversion opens this building up to require a side yard setback variance ; HP20 zone side yard setback required = 150 feet, provided for the existing garage structure is = 69 feet, and consider whether an 81 feet area side yard variance is required. Refer to 125-19 & 125-21.
2. The subject property, existing Lot at 8.504 acres is a sub-standard lot in the HP20 zone which requires a minimum 20 acre lot size. Therefore an area variance is required for the sub-standard Lot area of 8.5 acres versus the 20 acres required. Refer to bulk regs.-125-21 :: 125-22 A. (4) and 125-22 B. (4) bulk regs. And lot area :: and 125-68 G (2) the class 2 home occ., the lot must meet the min. lot area.
3. Accessory structures cannot project closer to the fronting street than the principal dwelling, and both the existing garage (convert to garage & home office) as well as the storage shed are situated in front of the house, closer to the front property line. ... Variance req'd., refer to 125-27 A (3)

**7:50 pm Case # 946 Re: Eveready Rebuild Diner Restaurant 6595 Route 9
Grid#: 6170-00-552684-486696-& 545674**

Reconstruction of 7,000 square foot fire damaged restaurant at 6595 NYS Route 9 North

The owner is proposing a minor subdivision, with the consolidation of the five parcels into one ~ 12 acre parcel. Zoning issues: Prior to the Proposed Subdivision the land contains ten (10) non-compliance issues which all require area variances, Including as follows: Building setbacks, front, side & rear; parking setbacks for front & rear; lot frontage; lot width; maximum pervious coverage; and minimum open space.

Once the Subdivision Lot Consolidation is complete, the project will still require two (2) Area Variances as follows:

1. Front yard setback for building, GB- 60 ft front required, 39 ft provided, Variance required = 21 feet.
2. Maximum Building Coverage allowed is 10%, and proposed is 16%, Variance required. Both Variances refer to Area & Bulk Zoning Requirements, reference is made to Chapter 125, see 125-21.

3. **OLD BUSINESS: None**

VI. CORRESPONDENCE

- Email correspondence from Mr. Watts Representing Eveready Case 946#.
- Referral response from the Rhinebeck Planning board and the Dutchess county Planning board re: Eveready Case 946#

VII. ADJOURNMENT