

*Amenia Town Clerk*

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# TOWN OF AMENIA

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## TOWN OF AMENIA ZONING BOARD OF APPEALS

Resolution # 4 for 2019

### Resolution Memorializing Determination to Grant Area Variance

**WHEREAS**, by Application dated August 12, 2019 Peter and Margaret A. Deister applied for an area variance related to the installation of a swimming pool on property they own known as Parcel 7168-00-162042, located at 97 Cascade Road; and

**WHEREAS**, Applicant sought a 23.5 foot rear setback for the proposed swimming pool, where 50 feet is required; and

**WHEREAS**, A public hearing was held on September 16, 2019, which hearing was held open for the submission of additional written comments by September 18, 2019; and

**WHEREAS**, the Zoning Board of Appeals (the "Board") expressed frustration that Applicants proceeded with the installation of the proposed swimming pool prior to obtaining an area variance, in violation of the Town Code; and

**WHEREAS**, the Board requested, and received from Applicants, letters of support from neighboring property owners; and

**WHEREAS**, the Board reminded Applicants of their obligation to obtain a building permit prior to proceeding with the installation of the swimming pool, and to make the site available to the Code Enforcement Officer for regulation inspections; and

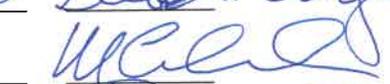
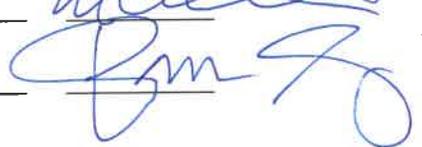
**WHEREAS**, at its September 16, 2019 meeting, the Board made the findings below, which findings are being memorialized by this resolution at the October 21, 2019 Board meeting.

**NOW THEREFORE, BE IT RESOLVED**, the Board finds that the granting of the requested area variance will not result in a detriment to the health, safety and welfare of the neighborhood or community. In so finding, the Board notes that granting of the variance will not create an undesirable change in the character of the neighborhood, nor will there be a detriment to nearby properties; that it is not feasible for the Applicant to place the pool in a location in its backyard that would not require an area variance; that the variance is substantial, but that the size of the variance alone in this instance should not be determinative given the character of the property; that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood and that the difficulty is self-created, by virtue of

the Applicant's desire to install the swimming pool. The Board finds that on balance, and in light of the letters of support received from neighboring property owners, the Applicant's request for an area variance shall be granted; and

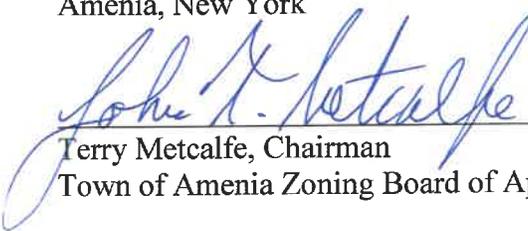
**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be filed in the office of the Town of Amenia Town Clerk within five (5) days of the date of this Resolution and shall be mailed to the Applicant within the same five (5) day period.

The foregoing resolution was voted upon with all members of the Zoning Board of Appeals voting and signing as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Signature</u>
Terry Metcalfe, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
David Menegat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Michael Chamberlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Paula Pelosi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
James Wright	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Dated: October 21, 2019

Amenia, New York

  
 Terry Metcalfe, Chairman  
 Town of Amenia Zoning Board of Appeals