

**THE ZONING BOARD OF APPEALS
TOWN OF LAGRANGE
Dutchess County, New York**

**SPECIAL MEETING
AUGUST 20, 2015**

**DECISION ON THE APPLICATION OF MARGARET & PETER SCHMITZ
AREA VARIANCE**

In the matter of the appeal of **MARGARET & PETER SCHMITZ** from a denial by the building inspector of an application for a building permit.

FACTS

1. **Margaret & Peter Schmitz** (hereinafter "applicants") are the applicants for a **.88 acre parcel located at 81 Velie Road in an RLD zoning district. Grid No. 6560-01-095839**

The property is currently improved with a single family residence.

The applicants propose to legalize an existing 452 sq.ft. accessory garage. The garage has a setback of 3.5 feet from the side property line.

2. **Section 240-29 G.(1) of the Town of LaGrange Zoning Law (hereinafter, "the Zoning Law") requires a minimum side yard setback of 25 feet. The applicants are seeking relief of 22 feet.**

3. Notice of public hearing published in Poughkeepsie Journal on **August 14, 2015.**

4. A public hearing on the above referenced application was held on **August 20, 2015** at which time the hearing having been duly closed.

5. Board members individually visited the site.

6. The application was not referred to Dutchess County Department of Planning and Development pursuant to General Municipal Law, Article 12(B), Section 239 (l) and (m).

7. The application is considered a Type II action and exempt from SEQRA review

RECORD OF FINDINGS

The matter having come to be heard before a duly convened meeting of the Zoning Board of Appeals, and the facts, matters and evidence produced by the applicant, the Building Department and interested parties having been duly heard, received and considered and due deliberation having been had, the following is the record of findings:

The application was presented by **Margaret & Peter Schmitz**. In making its determination on an area variance application, this board must take into consideration the benefits to the applicant(s) if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In doing so, this board must weight the following statutory criteria:

Character of the Neighborhood and Detriment to Nearby Properties

The building has been there since 1989.

Alternative Methods for Achieving Benefit Sought by Applicant

The only alternative method would be to move the structure, which would not be feasible.

Effect or Impact on Physical or Environmental Conditions in the Neighborhood

There is no impact on the property since the garage has been there for some time.

Self-Creation of Difficulty

This is an inherited condition that the current owners are trying to clear up.

Other Consideration

The applicants did not realize the property line was so close to the garage because visually the property line looked farther away and there was a fence between.

OF THE ZONING BOARD OF APPEALS, TOWN OF LAGRANGE

Board member Paul Bisceglia offered the following resolution which was seconded by **Ms. Cropp** who moved its adoption;

WHEREAS, the applicant applied for the following variance(s)
Seeking relief of 22 feet from the side property line in order to legalize an existing 452 sq.ft. accessory garage with a setback of 3.5 feet. Chapter 240-29 G.(1) requires a minimum side yard setback of 25 feet.

WHEREAS, the board considered the facts of the case and the matters and evidence produced by the applicant, Building Department, and any interested parties, having been duly heard, received and considered and due deliberation having been had in consideration of the record of findings

WHEREAS, The Zoning Board of Appeals has taken into consideration the benefit to the applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such a grant

NOW THEREFORE BE IT RESOLVED that the attached Record of Findings be issued and the Zoning Board of Appeals finds:
Margaret and Peter Schmitz be granted relief of 22 feet from the side property line in order to legalize a 452 sq.ft. existing accessory garage.

The foregoing resolution was duly put to a vote which resulted as follows:

	AYE	NAY	ABSTAIN	ABSENT
Paul Bisceglia, Chair	X	_____	_____	_____
Nancy Swanson	X	_____	_____	_____
Mark Christenson	_____	_____	_____	X
Christian Rohrbach	_____	_____	_____	X
Sandra Lane	_____	_____	_____	X
Leana Cropp (alt)	X	_____	_____	_____

Date of Decision: **August 20, 2015**

Secretary: _____

Town Clerk: _____

seal

FILED THIS DATE

IN THE OFFICE OF THE TOWN CLERK