

**ZONING BOARD OF APPEALS AGENDA**  
**Thursday, September 21, 2017 7:00 P.M.**  
**MUNICIPAL BUILDING, 165 MILL ROAD, WESTHAMPTON BEACH**

ALL NEW INFORMATION MUST BE SUBMITTED **BEFORE 3 P.M. ON August 25, 2017 FOR THE September 21, 2017 MEETING.** IF THE BOARD RECEIVES NO NEW INFORMATION OR REASON FOR ADJOURNMENT BY LETTER BY 3 P.M. ON AUGUST 10, 2017, THE APPLICATION WILL BE DENIED WITHOUT PREJUDICE. **APPLICANT OR HIS REPRESENTATIVE MUST BE PRESENT AT THE MEETING OR THE CASE MAY NOT BE HEARD AT THE BOARD’S DISCRETION.**

**MINUTES TO BE APPROVED**

**July 20, 2017; and  
August 17, 2017**

**DECISION:**

**1. Keith and Melinda Brown, 37 Liberty Street (905-8-1-35)** Applicant requests a variance to construct a roofed pergola/patio, outdoor fireplace and a masonry BBQ in the required side yard in violation of Chapter 197-35 (A) which requires accessory structures to be located in the rear yard only. Applicant also requests a variance to place the Masonry BBQ 12.4’ from the rear property line when Chapter 197-35.C. requires a minimum of 20’. The property is located in the R-2 Zoning District.

**HOLDOVERS:**

**2. Andersen-Kuntz 97 Hazelwood, Westhampton Beach (905-2-2-20.2 )** Applicant requests an interpretation of the village code that the Building Inspector erred when he determined that the nonconforming use on the property had been “discontinued” as provided for in chapter 197-29.E. of the Village Code. In lieu of a favorable determination by the Board the applicant requests a use variance from Chapter 197-5.A.(1) to allow multiple contractors offices with workshops and storage. The property is located in the MF-20 Zoning District.

**HELDOVER UNTIL SEPTEMBER 21, 2017**

**3. Robert Enenowitz and Anna Gerzon, 55 and 59 Old Riverhead Road, (905-4-1-7, 9.2, 9.3)** Applicant requests a variance to construct 11 multi-family residential townhouses on a property located in the Hotel District (HD). The applicants parcel of land has a lot width of 173.04’ and an area of 123,226 square feet when Chapter 197-17.1 (table of dimensional regulations) requires a lot width of 300 feet and a minimum lot area of 200,000 square feet. The applicant also requests an interpretation that the Building Inspector erred and is incorrect in his interpretation that the maximum number of dwelling units allowed is based upon the Special Exception standard in Chapter 197-81.B, six units per 1 acre (43,560 square feet) and instead should be based on the “Multi Family 20 and Hotel District table of permitted unit density”

located at the end of Chapter 197 which shows number of units based on 40,000 square feet.  
**HELDOVER UNTIL SEPTEMBER 21, 2017**

**4. Westhampton Free Library, 7 Library Avenue (905-19-2-31)** Applicant requests a variance to convert 2,423 sq. ft. of unfinished attic space located on the 2<sup>nd</sup> floor of the Library into usable finished space which will require approximately 17 new parking spaces. The subject property has no additional area to create new parking and therefore the proposed alteration is in violation of Chapter 197-21 and Chapter 197-24 of the Village Code. The property is located in the B-1 Zoning District. **HELDOVER UNTIL SEPTEMBER 21, 2017**

### **NEW APPLICATIONS**

**5. Robert Enenowitz and Anna Gerzon, 55 and 59 Old Riverhead Road, (905-4-1-7, 9.2, 9.3)** Applicant requests an interpretation as provided for in Chapter 197-74 of the Village Code. The applicant is proposing to construct 11 multi-family residential townhouses on a property located in the Hotel District (HD). The applicant requests an interpretation that the Building Inspector erred and is incorrect in his interpretation that the maximum number of dwelling units allowed is based upon the Special Exception standard in Chapter 197-81.B, six units per 1 acre (43,560 square feet) and instead should be based on the “Multi Family 20 and Hotel District table of permitted unit density” located at the end of Chapter 197 which shows number of units based on 40,000 square feet. Applicant also requests an interpretation that the building inspector erred when he determined that the average bedroom size of the units had to average two bedrooms based upon the special exception standards outlined in Chapter 197-80.3.J., instead applicant argues that Chapter 197-48.2 of the Village Code references the “Multi Family 20 and Hotel District table of permitted unit density” which allows all 3 bedroom units.

**6. David McBride, 45 White Oak Lane (905-9-1-3)** Applicant requests a variance for additions and alterations to an existing dwelling. The property is located in the R-1 Zoning District.

The proposed addition at the north east corner of the dwelling has a 42.8’ front yard when Chapter 197-6.D. of the Village Code requires a 50’ front yard.

Applicant proposes an addition at the north east corner of the dwelling and has a side yard of 23.4’ in violation of Chapter 197-6.D. which requires a 30’ side yard.

The porch addition on the south side of the dwelling is 24.8’ from the side lot line when Chapter 197-6.D. of the Village Code requires 30’ minimum.

The proposed total side yard is 41.3’ when Chapter 197-6.d. of the Village Code requires 70’.

The proposed lot coverage is 24.2% when Chapter 197-6.C. of the Village Code prohibits lot coverage greater than 20%.

Dated: September 6, 2017