

ZONING BOARD OF APPEALS AGENDA
Thursday, October 19, 2017 5:00 P.M.
MUNICIPAL BUILDING, 165 MILL ROAD, WESTHAMPTON BEACH

ALL NEW INFORMATION MUST BE SUBMITTED **BEFORE 3 P.M. ON October 20, 2017 FOR THE November 16, 2017 MEETING.** IF THE BOARD RECEIVES NO NEW INFORMATION OR REASON FOR ADJOURNMENT BY LETTER BY 3 P.M. ON OCTOBER 12, 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

September 21, 2017

DECISIONS:

1. 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 2nd 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.

2. 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.

HOLDOVERS:

3. 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 OCTOBER 19, 2017

NEW APPLICATIONS:

4. 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%.

5. Levinson, 416 Dune Road (905-17-3-59) Applicant requests variances to raise an existing dwelling, install a septic system and additions and alterations to the existing dwelling. The property is located in the R-5 Zoning District.

The deck is being constructed 17.9 feet from the North lot line and a deck, shed and outdoor shower is located 10' from the East lot line when Chapter 197-35.A. requires 20';

Fill is being placed on the lot line on the South and West side of the property when Chapter 197-27.D. requires a 10' setback;

The lot coverage is being proposed at 24.5% when Chapter 197-10.C.(1) allows a maximum of 20%; and

Decks, shed and outdoor shower on the East side of property are not in the rear yard as required under Chapter 197-35.A of the Village Code.

6. Rice, 435 Dune Road (905-17-5-22) Applicant requests variances to raise an existing dwelling, and construct a new first floor area in compliance with FEMA regulations. The property is located in the R-5 Zoning District.

Chapter 197-34.G. of the Village Code prohibits the floor area of the proposed dwelling from exceeding 1,494 Square Feet. The proposed dwelling is 1,655 square feet.

The front yard setback at Dune Road is 16' when 20' is required as per Chapter 197-10.D. of the Village Code.

The rear yard setback at the West property line is 15.6' when Chapter 197-10.D. of the Village Code requires 25'.

The new deck is 8' from the rear lot line and 5.9' from the West lot line Violation of Chapter 197-35.C. which requires 20' minimum.

The new reconstructed accessory deck on the West side of the dwelling is not located in the rear yard only as required by Chapter 197-35.A. of the Village Code.

Dated: October 3, 2017