

Agenda

City of Middletown Zoning Board of Appeals

June 16, 20210

7:00 PM

Common Council Chambers

Meeting called by:	Joel Sierra, Chairman
Clerk:	Martina Tu
Members:	Joel Sierra, Deborah Clark, Don Luis, Wendy Rodrigues, Marc Woody

Approval of December 16, 2020 minutes

Raymond Case
7 Benton Avenue
an area variance for a proposed 2-family home

Jun Xiong,
3 Oliver Avenue
an area variance for a proposed single-family home

APPLICATION

ZONING BOARD OF APPEALS

City of Middletown, New York

Date deemed complete 5-26-21
Accepted by WVW

Date 5-18-2021

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 7 BENTON AVE MIDDLETOWN NY 10940

Section 36 Block 1 Lot 18

Current Zoning District R-2

Building: Existing New

2. Owner of Property RAYMOND CASE REAL PROPERTY LLC

Owner's Address 15 CRESCENT PLACE

City MIDDLETOWN State NY Zip 10940

Phone numbers: Home: _____

Business: _____

Cell: _____

k: (845) 294-9

TRACTERS
TRACTERS

TRACTERS.

3. Applicant name RAYMOND CASE

If different from Owner

Applicants Address _____

City _____ State _____ Zip _____

Phone numbers: Home: _____

Business: _____

Cell: _____

4. **AREA VARIANCE.** An appeal is requested from the Zoning Board of Appeals to the Zoning Ordinance, Section 475 of the Code of the City of Middletown. Indicate the Article, Section, Subsection, Paragraph, Subparagraph and Title of the Section that are the subject of the appeal. Indicate the necessary amount of relief requested. Additional sheets may be attached if more space is necessary.

	Section	Required Dimension	Actual Dimension	Variance Requesting
a.	475-10-R2	7500	6551 Sq Ft.	949 Sq Ft.
b.	_____			

The Zoning Board of Appeals, shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances, as defined herein. The Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant 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 making such determination the Board shall also consider whether:

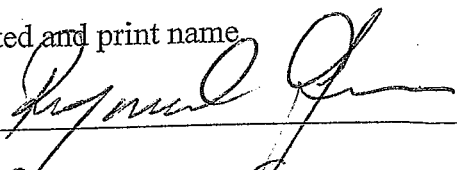
- (a) An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; and
- (b) The benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance; and
- (c) The requested area variance is substantial; and
- (d) The proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (e) The alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

NO TO ALL OF THE ABOVE

6. AN INTERPRETATION OF THE ZONING ORDINANCE. Explain the circumstances of the Section in question, the Title of the Section, the nature of the request, and the person or agency making the original determination. Additional sheets may be attached if more space is required.

7. SIGN ORDINANCE. Indicate the section to be varied, the title, and the amount of the variance in excess of the ordinance. Explain all conditions that require the variance to be issued. Additional sheets may be attached if more space is required.

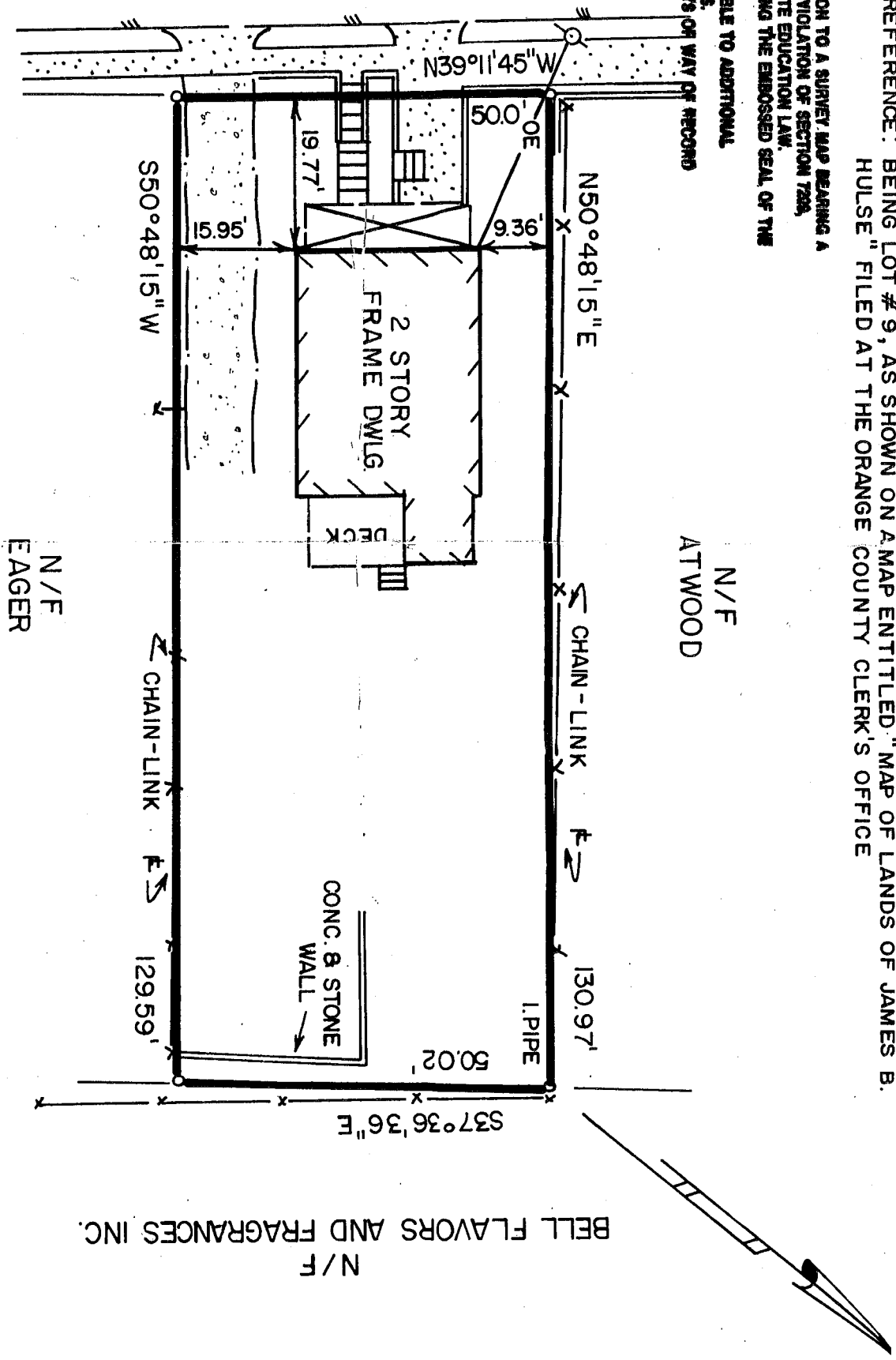
Section/ Title	Required Dimension	Actual Dimension	Variance required

8. Sign at the place indicated and print name.
Signature of applicant 
Printed name and title RAYMOND CASE
Date 5.18.2021

REFERENCE: BEING LOT # 9, AS SHOWN ON A MAP ENTITLED "MAP OF LANDS OF JAMES B. HULSE" FILED AT THE ORANGE COUNTY CLERK'S OFFICE

NOTED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7200, IN § 2 OF THE NEW YORK STATE EDUCATION LAW. THIS SURVEY MAP NOT HAVING THE EMBOSSED SEAL OF THE SURVEYOR SHALL NOT BE VALID. THIS SURVEY MAP IS NOT TRANSPARENT TO ADDITIONAL OWNERS OR SUBSEQUENT OWNERS. NO EASEMENTS OR RIGHTS OF WAY OF RECORD

BENTON AVENUE



FILED ONLY TO:
 RESA OGBURN
 YEARS TITLE INSURANCE CORPORATION
 AMERICAN GENERAL HOME EQUITY, INC. ITS SUCCESSORS
 FOR ASSIGNS ONLY IN CONNECTION WITH THE OGBURN
 MORTGAGE DATED 2003.
 ATTORNEYS: KANARA & CHHAYA BAXI

SURVEY OF PROPERTY FOR
THERESA OGBURN
 CITY OF MIDDLETOWN
 ORANGE COUNTY
 SCALE: 1" = 20'
 AREA=6,514 SqFt.
 DECEMBER 20, 2003

FRANK M. HOENS

APPLICATION

ZONING BOARD OF APPEALS

City of Middletown, New York

Date deemed complete _____
Accepted by _____

Date 5/20/21

Items 1, 2 and 3 are required to be completed

1. Address of Subject Property 3 OLIVER AVE MIDDLETOWN NY

Section 20 Block 7 Lot 4 Current Zoning District C-2

Building: Existing New _____

2. Owner of Property JUN XIONG / XIJIE HUANG

Owner's Address 3 OLIVER AVE MIDDLETOWN NY

City MIDDLETOWN State NY Zip 10840

Phone numbers: Home: _____

Business: _____

Cell: 581 220 com

3. Applicant name CHARLIE JIANG

If different from Owner

Applicants Address 320 POCATZELLO ROAD

City MIDDLETOWN State NY Zip 10840

Phone numbers: Home: _____

Business: _____

Cell: _____

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	Section	Required Dimension	Actual Dimension	Variance Requesting
a.	BACK YARD	30'	20'	10'
b.				

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In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant 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 making such determination the Board shall also consider whether:

- (a) An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; and
- (b) The benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance; and
- (c) The requested area variance is substantial; and
- (d) The proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (e) The alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

a. BACK OF NEIGHBORHOOD IS MOTEL INN, NO STRUCTURE WITHIN 50', NO UNDESIRABLE CHANGES.

b. SPA No. 22-1-35 LIVING AREA 2446 SF; 22-1-38: 2637 SF
 22-1-36 1788 SF; 22-1-37 1758 SF

c. VARIANCE AREA: 10', 33%⁰⁷; NO SUBSTANTIAL.

d. No,

e. No.

6. AN INTERPRETATION OF THE ZONING ORDINANCE. Explain the circumstances of the Section in question, the Title of the Section, the nature of the request, and the person or agency making the original determination. Additional sheets may be attached if more space is required.

7. SIGN ORDINANCE. Indicate the section to be varied, the title, and the amount of the variance in excess of the ordinance. Explain all conditions that require the variance to be issued. Additional sheets may be attached if more space is required.

Section/ Title	Required Dimension	Actual Dimension	Variance required
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8. Sign at the place indicated and print name.

Signature of applicant _____



Printed name and title

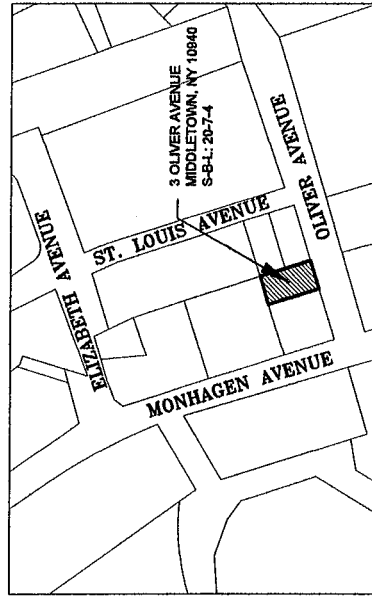
CHARLES JIANG FRIEND OF OWNER

Date

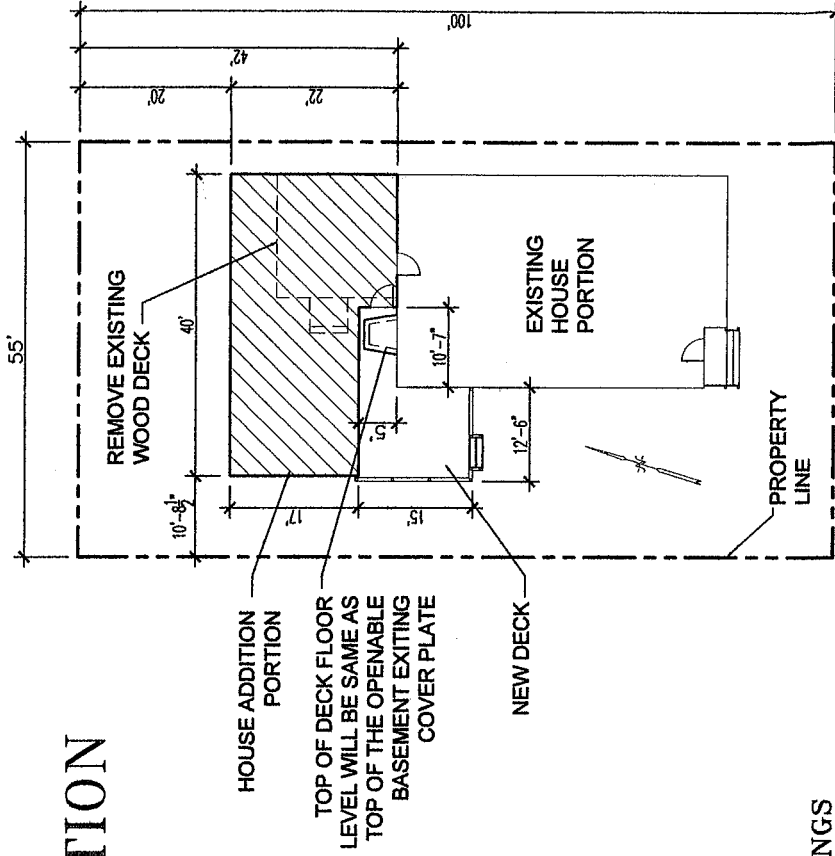
5/20/21

AN EXISTING HOUSE ADDITION

3 OLIVER AVENUE
MIDDLETOWN, NY 10940
S-B-L: 20-7-4



HOUSE SITE LOCATION



SITE KEY PLAN

TOTAL SQUARE FOOTAGE	
EXISTING LIVING	1208 SF
ADDITION LIVING	768 SF
TOTAL LIVING	1,976 SF

GENERAL NOTES:

1. THE EXISTING HOUSE IS LOCATED IN LIMITED BUSINESS DISTRICTS 2C ZONING USED BY ONE-FAMILY DWELLINGS. PER MIDDLETOWN ZONING CODE, YARD REQUIRED EACH SIDE WIDTH: 5 FEET MIN., REAR SIDE DEPTH: 20 FEET MIN.
2. APPLICABLE CODES:
 - 2020 RESIDENTIAL CODE OF NEW YORK STATE (RC 2018)
 - 2020 EXISTING BUILDING CODE OF NYS (EBC 2018)
 - 2020 MECHANICAL CODE OF NEW YORK STATE (MCC 2018)
 - 2020 PLUMBING CODE OF NEW YORK STATE (PC 2018)
 - 2020 FIRE CODE OF NEW YORK STATE (FC 2018)

SCHEDULE OF DRAWINGS

- T-1:COVER SHEET
- S-1:FOOTING PLAN & DETAILS
- S-2:1st FOOTING PLAN
- S-3:SECTION A-A & SECTION B-B
- S-4:CEILING DECK FRAMING PLAN
- S-5:ROOF FRAMING PLAN & RIGHT ELEVATION VIEW
- S-6:LEFT & REAR ELEVATION VIEW

3 OLIVER AVENUE MIDDLETOWN, NY 10940 S-B-L: 20-7-4		COVER SHEET		Sheet T-1
DATE	BY	DATE	BY	