

ZBA APPLICATION FOR AREA VARIANCE
Faith Assembly of God
South Road, Town of Poughkeepsie, NY

Adjoining lot owners and co-applicants, Faith Assembly of God and Casperkill-I LLC, are proposing a lot line change which would modify and improve parking at the Faith Assembly property (Tax Parcel ID 134689-6160-03-250125), and provide additional land area (2.70 acres) to the Casperkill Golf Course (Parcel ID 134689-6159-02-503995). The proposed lot line change would enable parking closer to the sanctuary space at the Faith Assembly of God property. In exchange for constructing the new parking area for Faith Assembly, Casperkill-I LLC is being deeded 2.70 acres.

Faith Assembly currently occupies a 26.75-acre property which would be reduced to 24.05 acres as part of the lot line change. The lot line change will modify the property boundary in an area where parking is currently provided (258 spaces) making that parking area smaller (93 spaces). Therefore, new parking areas are proposed to the north (115 spaces and 26 spaces) and east (24 spaces) totaling 258 parking spaces. The new parking areas will be accessed from existing internal roadways and by a driveway accessible from Golf Course Lane, which will be widened. The northern most parking area will occupy land that is currently occupied by tennis courts and an accessory building, which will be demolished. A new yard hydrant will be located near to the new northern parking lots.

The project site is located in the Single-Family Two-Acre Residence (R-2A) Zoning District.

The proposed lot line change will modify and improve parking as well as vehicular circulation at Faith Assembly of God. Area variances for certain bulk requirements are being requested to enable the proposed lot line revision. The proposed site plan complies with zoning requirements, except as follows:

- Required rear yard setback of 110 FT
 - The existing 49.5 FT rear yard is an existing nonconformity, which is unaffected by the proposed action.
- Maximum Lot Coverage of 5%
 - Lot coverage at the site is an existing nonconformity, which will be slightly increased from 7.3% to 7.9% by the proposed action.
- Maximum Impervious Surface of 15%
 - Impervious surface at the site is an existing nonconformity, which will be slightly increased from 32.9% to 33.9% by the proposed action.

BULK TABLE (PARCEL 250125)

TOWN OF POUGHKEEPSIE: R-2A

<u>ZONING REQUIREMENTS:</u>	<u>REQUIRED</u>	<u>VARIANCE REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>
MINIMUM LOT AREA	2 ACRES	N/A	26.75 ACRES	24.05 ACRES
MINIMUM LOT WIDTH	125 FT	N/A	1135.8 FT	1135.8 FT
MINIMUM SETBACK REQUIREMENTS				
FRONT	65 FT	N/A	480.11 FT	256.8 FT
SIDES	40 FT	N/A	138.5 FT	138.5 FT
REAR	110 FT	60.5 FT	49.5 FT	49.5 FT ^{1,2}
MAXIMUM BUILDING HEIGHT	35 FT, 2.5 STORIES	N/A	<35 FT	<35 FT
MAXIMUM LOT COVERAGE	5%	2.9%	7.3%	7.9% ²
MAXIMUM IMPERVIOUS SURFACE	15%	18.9%	32.9%	33.9% ²

¹ Existing Nonconformity

² Variance Required.

Pursuant to Section 210-148(b) of the Zoning Ordinance, the Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative officer charged with the enforcement of this chapter, to grant area variances as defined in the Town Law. In making its determination, 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 consider the following factors, in which we have provided responses.

(i) Whether 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;

The granting of the three proposed area variances related to bulk requirements will not result in an undesirable change in the character of the neighborhood nor does it have an effect on nearby properties. The current lot line is shared by Faith Assembly of God and Casperkill-1 LLC and will remain so. The lot line revision will affect solely the parking layout and location, the traffic flow, and the respective property acreage resulting. It will not pose changes to the programming of the property or its use, the character of the neighborhood, or a detriment to nearby properties.

1. The required rear yard setback (110 FT) is an existing nonconformity at 49.5 FT and will remain unchanged if a variance is granted.
2. The maximum lot coverage allowance (5%) is an existing nonconformity at 7.3%, which will be increased only slightly to 7.9% as a result of the lot line change, a difference of 0.6%, not presenting a detriment to nearby properties or the neighborhood if granted.
3. The maximum impervious surface allowance (15%) is an existing nonconformity at 32.9%, which will be increased only slightly to 33.9% as a result of the lot line change, a difference of 1%, not presenting a detriment to nearby properties or the neighborhood if the variance is granted.

As a result of these area variances, the Faith Assembly of God, an important community resource, will have improved parking and circulation.

(ii) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

The benefit of the variances for bulk requirements, if granted, is a parking lot layout and design that fits the needs of the Faith Assembly's users, not obtainable otherwise. The lot line change has been configured so that no parking spaces will be lost as a result of the revision. Furthermore, the proposed lot line revision offers the most inconsequential deviation from the existing nonconformities, while providing improved access to the facility from the parking lot. For these reasons, the applicant finds no other alternative.

1. Required rear yard setback (110 FT) is an existing nonconformity of 49.5 FT. No change proposed.
2. Maximum Lot Coverage (5%) is an existing nonconformity of 7.3%, increased only slightly to 7.9% as a result of the lot line change, a difference of 0.6%
3. Maximum Impervious Surface (15%) is an existing nonconformity, at 32.9%, increased only slightly to 33.9% as a result of the lot line change, a difference of 1%

(iii) Whether the requested area variance is substantial;

The area variance for the bulk requirements, if granted, is not substantial. The proposed lot line change presents no significant changes to the project site or area's land use and no significant adverse impacts to land uses will occur. The variances requested are minor and are of no significant magnitude.

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2. Maximum Lot Coverage (5%) is an existing nonconformity of 7.3%, increased only slightly to 7.9% as a result of the proposed lot line change, a difference of 0.6%.
3. Maximum Impervious Surface (15%) is an existing nonconformity, at 32.9%, increased only slightly to 33.9% as a result of the proposed lot line change, a difference of 1%.

(iv) Whether the proposed variance will have an adverse effect or impact on the physical or environment conditions in the neighborhood or district; and

A variance for the bulk requirements affected by the lot line revision, if granted, presents no adverse effect or impact on the physical or environmental conditions in the neighborhood or district. As conveyed to the Town of Poughkeepsie through the SEQRA review process, the project will not result in significant adverse impacts to environmental resources.

(v) Whether 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.

The purpose of this variance is to help support the improvement of parking and vehicular flow at the Faith Assembly of God, which shares a lot line with the Casperkill Golf Course. Through this lot line revision, the Faith Assembly of God will afford its visitors closer parking to the sanctuary through an improved parking layout, using the most unobtrusive means possible without decreasing available parking. The deviations in the resulting bulk requirements may be considered to be self-created, however, they are minor and the results for the applicants outweigh the infringements in this case. The applicants seek to improve site

parking conditions for the betterment of these properties and the members of the community that use them.

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3. Maximum Impervious Surface (15%) is an existing nonconformity at 32.9%, which will be slightly increased to 33.9% as a result of the proposed lot line change.