

Town of Dover Zoning Board of Appeals

Town of Dover
126 East Duncan Hill Road
Dover Plains, NY 12522



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RESOLUTION GRANTING AN AREA VARIANCE FROM SECTION 145-11 (C) OF THE TOWN OF DOVER ZONING CODE TO ALLOW FOR AN ACCESSORY APARTMENT WITH ONLY 399 SQUARE FEET OF FLOOR AREA WHERE 500 SQUARE FEET OF FLOOR AREA IS REQUIRED

WHEREAS, the Owner, Gentle Place LLC (the "Owner"), is the owner of real property located at 198 Dog Tail Corners Road, Wingdale, New York 12594, also identified as Tax Map Parcel #7160-00-927735 (the "Premises"), which is in the RU Zoning District; and

WHEREAS, the Owner proposes constructing a one-bedroom accessory apartment within an accessory structure (pre-fabricated cabin) on the Premises, along with a new onsite sub-surface sewage treatment system and utility connections to the existing infrastructure; and

WHEREAS, on March 21, 2025, the Dover Building Inspector determined that the structure in question was not a dwelling unit, as defined in the Town Code, but that as an accessory structure, it would need to be 500 square feet, or the Owner would need to request an area variance from the Dover Zoning Board of Appeals (the "ZBA"); and

WHEREAS, the Owner has made an application to the ZBA for an area variance for floor area of an accessory apartment; and

WHEREAS, § 145-11(c) of the Dover Town Code requires a minimum floor area of 500 square feet for an accessory apartment, whereas the proposed accessory apartment has 399 square feet of floor area: **the variance requested is for 101.00 square feet**; and

WHEREAS, a public hearing was held at the Dover Town Hall, 126 East Duncan Hill Road, Dover Plains, New York 12522, on May 12, 2025, to consider the application; and

WHEREAS, the ZBA has considered the facts presented in the application and at the public hearing and finds that:

(1) The proposed application **will not** produce an undesirable change in the character of the neighborhood because it is a good location for the cabin, viewsheds are protected due to its location, and the variance allows for the accessory apartment to be even smaller than what the code requires, lessening any potential undesirable change in the character of the neighborhood.

(2) The benefit sought by the applicant **cannot** be achieved by any other feasible means because of the topography of the land without drastic changes in the existing landscape.

(3) The variance requested **is not** substantial because it is a request for only a 101 square feet variance, which the ZBA views as non-substantial.

(4) The proposed variance **will not** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because: the property is four acres, is heavily wooded, and has ample space for this accessory apartment: thus, the neighborhood will not be adversely affected by the proposed accessory apartment.

(5) The alleged difficulty necessitating the variance **was** self-created, **but it is not** sufficient to cause a denial of the requested variance.

NOW, THEREFORE, BE IT RESOLVED, that the Dover Zoning Board of Appeals hereby **grants** the application of Gentle Place LLC for an area variance allowing the proposed accessory structure to be only 399 square feet.

Date: May 12, 2025

Moved By: Member Tchorzyk

Seconded By: Member Yager

Resolution Approved:

Debra Kaufman	<u>aye</u>
Joseph Tchorzyk	<u>aye</u>
Jacob Troupe	<u>aye</u>
Joanne Yager	<u>aye</u>



Zoning Board of Appeals Chair Debra Kaufman