



Town of New Lebanon
Zoning Board of Appeals

APPEAL ACTION

Reference: TM # 28.-1-57

Dated: August 03, 2022

ACTION OF THE ZONING BOARD OF APPEALS OF THE
TOWN OF NEW LEBANON, NEW YORK

TO:

Lindsay Robert
2093 County Route 5
New Lebanon, NY 12125

Request for Area Variance

ZBA Lindsay Robert

Facts

The applicants propose to build an attached garage at the rear of their home. The garage would be 49' from the rear property line, where 75' is required for the RA 5 zone. The land is steep.

Applicant's Case

The applicants state that the rear entry to the house is the optimal location to attach the garage. The land at the front and sides of the house is steep and it would be costly and structurally impractical to build elsewhere and still be attached to the house.

After discussion by the Board the following AFFIRMATIVE decision was reached.

Compatibility with the neighborhood

The board finds that the proposed garage will be compatible in design with other houses in the immediate area.

Alternate to Variance

The board finds there is no reasonable alternative to attaching the garage in the requested location, due to the steep slopes surrounding the front and sides of the home.

Substantiality

The board finds that while the request is substantial, being a third of the setback requirement, it is mitigated by the fact that this a large parcel of several acres, is very rural and the property line is indistinctly visible from the subject parcel or the adjacent property.

Environmental impact

There is no environmental impact.

Self-Created Hardship

The board finds that this is a self-created hardship, in that the applicant knew at the time of the purchase of the property and the construction of the home, that siting the home in this location would cause a setback problem should an addition to the rear of the home be planned in the future.

Board Member Tonetti made a motion to approve the 26 ft area variance. Board Member Salem seconded the motion. The vote carried as follows:

Charles Geraldi	Aye
Ted Salem	Aye
Phyllis Stoller	Aye
Tony Murad	Aye
Jeannine Tonetti	Aye



Anthony Murad, Chairman
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