



BUILDING DEPARTMENT
 VILLAGE OF GREENPORT
 236 Third Street, Greenport, NY 11944

ZONING BOARD OF APPEALS APPLICATION

USE VARIANCE APPLICATION

<i>FOR OFFICIAL USE ONLY</i>			
FEE: \$ _____	FILED BY: _____	DATE ASSIGNED: _____	APPEAL NO. _____
OFFICE NOTES: _____			

HOUSE NO. 415 STREET Kaplan Ave, GREENPORT, NY 11944
 SCTM 1001 SECTION 4 BLOCK 1 LOT 6 ZONE R-2 LOT SIZE 11,829.10

I (WE) APPEAL THE WRITTEN DETERMINATION OF THE BUILDING INSPECTOR
 DATED 11/22/19 BASED ON MAP DATED 10/2/2017

APPLICANT(S)/OWNER(S): 415 Kaplan Ave Greenport Inc/James Olinkiewicz Contract Vendee
 MAILING ADDRESS: PO Box 591 Shelter Island Hts, NY 11965
 TELEPHONE: 631-445-7324 FAX #: 631-749-3217 EMAIL: jimolink@aol.com

NOTE: IN ADDITION TO THE ABOVE, PLEASE COMPLETE BELOW IF APPLICATION IS SIGNED BY APPLICANT'S ATTORNEY, AGENT, ARCHITECT, BUILDER, CONTRACT VENDEE, ETC. AND NAME OF PERSON WHO AGENT REPRESENTS:

NAME OF REPRESENTATIVE: James Olinkiewicz FOR OWNER 415 Kaplan Ave Greenport Inc
 AGENT'S ADDRESS: PO Box 591 Shelter Island Hts, NY 11965
 TELEPHONE: 631-445-7324 FAX: 631-749-3217 EMAIL: jimolink@aol.com

PLEASE CHECK BOX TO SPECIFY WHO YOU WISH CORRESPONDENCE TO BE MAILED TO, FROM THE NAMES ABOVE:

APPLICANT/OWNER, OR AUTHORIZED REPRESENTATIVE, OR OTHER NAME/ ADDRESS BELOW:

WHEREBY THE BUILDING INSPECTOR REVIEWED MAP DATED 10/2/17 AND DENIED AN APPLICATION
 DATED 11/21/19 FOR A BUILDING PERMIT.

PROVISION OF THE ZONING ORDINANCE APPEALED. (INDICATE ARTICLE, SECTION, AND SUBSECTION OF ZONING ORDINANCE BY NUMBERS. DO NOT QUOTE THE ORDINANCE.)

ARTICLE V SECTION 150-13 SUBSECTION E

TYPE OF APPEAL. AN APPEAL IS MADE FOR:

A VARIANCE TO THE ZONING CODE OR ZONING MAP.
 INTERPRETATION OF THE VILLAGE CODE. ARTICLE _____ SECTION _____

A PRIOR APPEAL HAS, HAS NOT BEEN MADE AT ANY TIME WITH RESPECT TO THIS PROPERTY, NO. _____ YEAR _____.

(PLEASE BE SURE TO RESEARCH BEFORE COMPLETING THIS QUESTION OR CALL OUR OFFICE FOR ASSISTANCE.)

USE VARIANCE:

REASONS FOR USE VARIANCE: AN APPLICANT FOR A USE VARIANCE MUST DEMONSTRATE UNNECESSARY HARDSHIP BY SATISFYING ALL OF THE FOLLOWING FOUR TESTS: (PLEASE CONSULT YOUR ATTORNEY BEFORE COMPLETING, ATTACH ADDITIONAL SHEETS AS NEEDED, AND SUBMIT RELATED DOCUMENTS AS REQUIRED).

1. THE APPLICANT CANNOT REALIZE A REASONABLE RETURN, FOR EACH AND EVERY PERMITTED USE UNDER THE ZONING REGULATIONS (FOR THE PARTICULAR ZONE DISTRICT WHERE THE PROPERTY IS LOCATED), AS DEMONSTRATED BY SUBSTANTIAL AND COMPETENT FINANCIAL EVIDENCE BECAUSE:

The cost involved in building a single family rental home on this lot based on affordable housing guidelines are substantial and would not give a reasonable rate of return for the investment. Additionally, if a 1 Family home was built to live in and not rent out, the total costs would be well over the likely appraised value of a house in this neighborhood, owing to the fact that this area of the Village is predominantly rental homes. The only possibility to create a reasonable rate of return with this property is to build a 2 Family house.

2. THE ALLEGED HARDSHIP RELATING TO THE PROPERTY IS UNIQUE AND DOES NOT APPLY TO THE MAJORITY OF THE PARCELS IN THE SAME ZONING DISTRICT OR NEIGHBORHOOD BECAUSE:

The hardship related to this property is solely costs and expense. To build a single Family home in this area, would cost more than the appraised value the property would realize so it would not be worth the investment. This hardship is unique to this property because this area of the Village is predominantly rental homes so the values of the homes do not appraise nearly as high as other areas in the Village. With this lot being so large, and in a workforce housing neighborhood, the only way to make a reasonable rate of return is to build a 2 Family home. This will also provide desperately needed workforce housing.

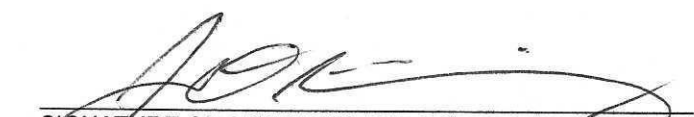
3. THE REQUESTED USE VARIANCE, IF GRANTED, WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

If granted the 2 Family home will be in keeping with the character of the neighborhood because this area, and most of the surrounding homes, are rental properties as well. This home is replacing a former house that was destroyed in a fire. In addition it will be providing off street parking for itself which will not majorly affect road congestion. The new house is in a neighborhood that is mostly 2 Family rental homes.

4. THE ALLEGED HARDSHIP HAS NOT BEEN SELF- CREATED BECAUSE:

This is an existing lot in the Village, not created by any subdivision, and the lot width is only slightly less than the regulation for a 2 family house, however it is an exceptionally deep lot which we believe compensates for the lack of width. The proposed house meets every other zoning requirement for this lot.

ARE THERE COVENANTS AND RESTRICTIONS CONCERNING THIS LAND? NO. YES. (PLEASE FURNISH COPY).


SIGNATURE OF APPELLANT OR AUTHORIZED AGENT
(AGENT MUST SUBMIT AUTHORIZATION FROM OWNER)
SWORN TO BEFORE ME THIS DAY OF 24th January 2020


NOTARY PUBLIC
EMILY J REEVE
Notary Public, State of New York
No. 01RE6059270
Qualified in Suffolk County
My commission expires July 23, 2021

APPLICANT'S PROJECT DESCRIPTION

415 Kaplan Ave Greenport Inc/James Olinkiewicz Contract Vendee

1/24/20

APPLICANT: _____

DATE: _____

I. FOR DEMOLITION OF EXISTING BUILDING AREAS

N/A

PLEASE DESCRIBE AREAS BEING REMOVED: _____

II. NEW CONSTRUCTION AREAS (NEW DWELLING OR NEW ADDITION/EXTENSIONS):

1180 sq ft

DIMENSIONS OF FIRST FLOOR (EXTENSION): _____

DIMENSION OF SECOND FLOOR: 1200 sq ft

HEIGHT (FROM FINISHED GROUND TO TOP OF RIDGE): 30' 2.75"

IS BASEMENT OR LOWEST FLOOR AREA BEING CONSTRUCTED? IF YES, PLEASE PROVIDE HEIGHT (ABOVE GROUND)

MEASURED FROM NATURAL EXISTING GRADE TO FIRST FLOOR: 1' 9.75"

III. PROPOSED CONSTRUCTION DESCRIPTION (ALTERATION OR STRUCTURAL CHANGES).

NUMBER OF FLOORS AND GENERAL CHARACTERISTICS BEFORE ALTERATIONS: N/A

NUMBER OF FLOOR AND CHANGES WITH ALTERATIONS: _____

2 story 2380 sq ft 2 Family Home

IV. CALCULATIONS OF BUILDING AREAS AND LOT COVERAGE:

EXISTING SQUARE FOOTAGE OF BUILDINGS ON YOUR PROPERTY: 0

PROPOSED INCREASE OF BUILDING COVERAGE: 1572 sq ft

SQUARE FOOTAGE OF YOUR LOT: 11,829.10

PERCENTAGE OF COVERAGE OF YOUR LOT BY BUILDING AREA: 13%

V. PURPOSE OF NEW CONSTRUCTION: 2 Family home to use for year round affordable housing rental units

Greenport ZBA Use Variance attachment A:

Example 1: Bob and JoAnn Kehl pay \$125,000.00 for the land.

They build a 2000 Sq Ft one Family house @ \$250 Sq Ft for \$500,000.00.

Total cost \$625,000.00.

The appraised value of the described house is \$675,000.00.

After paying real estate commissions and fees there would be a less than 1% Rate of return.

Example 2: 415 Kaplan Ave Greenport Inc pays \$260,000.00 for the land.

He builds a 2000 Sq Ft one Family house @ \$250 Sq Ft for \$500,000.00.

Total cost \$760,000.00, well over the appraised value and would only sell at a loss.

If it was rented at \$2600.00 per month, \$31,200.00 per year:

Gross Income: \$31,200.00

R/E Taxes: -7,000.00

Insurance: -2,000.00

Management Fees: -1,500.00

Net Income per year: \$20,700.00

$\$20,700.00 / \$760,000.00 = 2.6\%$ Rate of return.

This does not take into consideration vacancies, repairs, maintenance, lawn care, utilities, etc.

Example 3: 415 Kaplan Ave Greenport Inc pays \$260,000.00 for the land.

He builds a 2300 Sq Ft two Family house @250 Sq Ft for \$575,000.00.

Total cost \$835,000.00, Slightly over appraised value.

If rented for \$2500.00 per apartment per month it would have \$5000.00 per month or \$60,000.00 per month income:

Gross income: \$60,000.00

R/E Taxes: \$8000.00

Insurance: \$2500.00

Management Fees: \$2000.00

Net Income: \$47,500.00

$\$47,500.00 / \$835,000.00 = 5.7\%$ rate of return.

This does not take into consideration vacancies, repairs, maintenance, lawn care, utilities, etc.