



Supervisor: (845) 688-7165
 Police: (845) 688-9902
 Town Clerk: (845) 688-5004
 Justice Court: (845) 688-5005
 Assessor: (845) 688-5003
 Assessor Fax: (845) 688-5708
 ZBA/ZEO/Planning: (845) 688-5008
 Highway: (845) 688-9901
 Fax: (845) 688-2041

"The Heart of the Park... Where the Eagle Soars"

www.shandaken.us

P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

APPLICATION FOR USE VARIANCE

Applicant Information (if applicant is not the owner of the property, a notarized Agent Authorization form must be submitted)

John + Ann Carroll Micheltti

Name

Name of Owner if other than Applicant

338 Olivera Rd

Mailing Address

Mailing Address

Big Indian, NY 12410

City/State/Zip

City/State/Zip

203-273-0331

Contact Number

Contact Number

MICHELLOTT@AOL.COM

Email Address

Email Address

Property Information

Section 12 Block 1 Lot 27 Zoning District R-1.5 Size 101 acres

Physical address: 338 Olivera Rd Big Indian NY Flood Zone: Yes No

Parcel is located on a TOWN COUNTY STATE PRIVATE road.

Is the parcel located within 500 feet of any County or State road or property? yes no

Is the parcel located within 100 feet of any mapped water course? yes no

Existing Use/Occupancy: Single Family - Residential

Proposed Use/Occupancy: Residential

Describe the nature of the variance you are requesting:

To create an efficiency apartment on the second floor of an existing garage space

CRITERIA FOR THE ISSUANCE OF A USE VARIANCE

No use variance may be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each permitted use under the zoning regulations for the particular district in which the property is located:

Each of the four listed criteria must be answered by the applicant with a narrative.

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence:

2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood:

3. The requested use variance, if granted, will not alter the essential character of the neighborhood:

4. The alleged hardship has not been self-created:

Any supporting documents should be submitted as a part of the application to the Zoning Board of Appeals.

* See attached

Use Variance Application

John & Ann Carroll Michelotti

338 Oliverea Road

Big Indian, NY 12410

845-254-4020

Criteria for the issuance of a use variance

1. Applicants are not looking for a “reasonable return” on an investment. The property has been in the family since 1889 and it is planned that family ownership will continue into the next generations. That being said, because applicants are in their 70s it will be desirable to have affordable housing available for assistance should it become necessary.
2. Current building code 116-40P does not allow more than one accessory dwelling or ADU on any lot without a variance. As code does not specifically address the minimum lot size, and as we have a large property with no direct neighbors, we are seeking a Variance so that we may construct an efficiency apartment on the existing second floor of an existing garage.
3. As the variance will utilize an existing structure without expansion and limited updated external modifications there will be no noticeable neighborhood changes.
4. Ulster County and Shandaken are highly deficient in affordable housing. The County is trying to address this deficiency through its RUPCO programs. To that end RUPCO is offering grants to create affordable housing in Ulster County towns. The applicants have been accepted as grant recipients after submitting an application and meeting all of RUPCO’s grant requirements. However without building permits from the Town of Shandaken RUPCO will rescind the grant and the building will stay vacant. The applicants ask that the Zoning Board grant our variance.

Thank you.

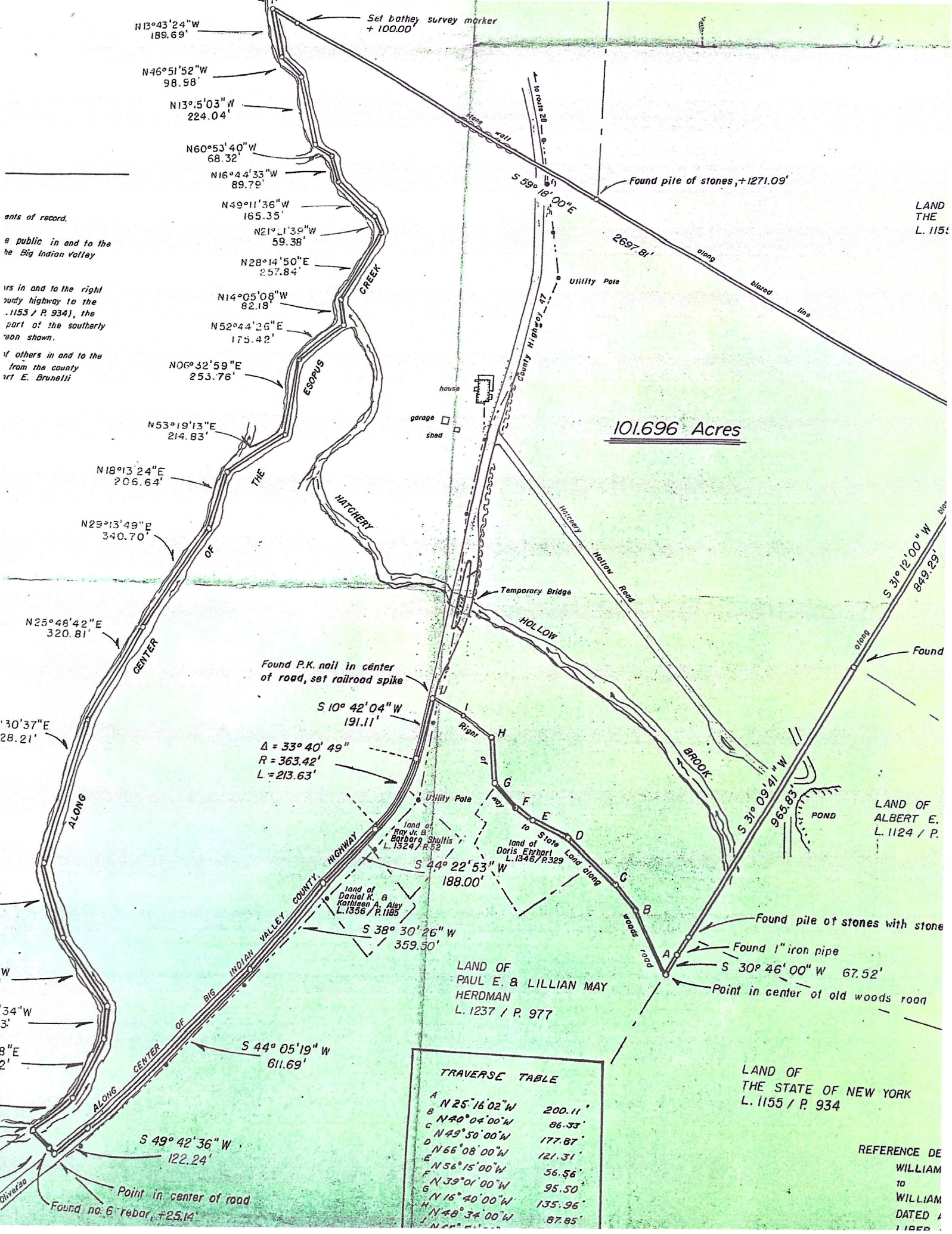
Attachment - Plot Plan

Section: 12 Block: 1 Lot: 27

Location of lot: 338 Olivera Rd Big Indian, NY 12910

Note: The plot plan drawn above must show the configuration of the lot showing ALL structures on the parcel and giving the dimensions of each structure and, most importantly, the setbacks of each structure from the property lines (front, rear, and sides.) The sketch **MUST BE DRAWN TO SCALE**. Indicate the name and placement of the road(s) for purposes of identification.

If you are submitting a professionally drawn sketch plan or preliminary plat, please check here and submit a minimum of six (6) copies of the drawing.



ents of record.
 a public in and to the
 he Big Indian Valley
 rs in and to the right
 ounty highway to the
 .1155 / P. 934), the
 part of the southerly
 on shown.
 f others in and to the
 from the county
 rt E. Brunelli

LAND OF THE L. 115:

101.696 Acres

LAND OF ALBERT E. L. 1124 / P.

LAND OF PAUL E. & LILLIAN MAY HERDMAN L. 1237 / P. 977

LAND OF THE STATE OF NEW YORK L. 1155 / P. 934

REFERENCE DE WILLIAM TO WILLIAM DATED 1 LIBER

TRAVERSE TABLE	
A	N 25° 16' 02" W 200.11'
B	N 40° 04' 00" W 86.33'
C	N 49° 50' 00" W 177.87'
D	N 66° 08' 00" W 121.31'
E	N 56° 15' 00" W 56.56'
F	N 39° 01' 00" W 95.50'
G	N 16° 40' 00" W 135.96'
H	N 48° 34' 00" W 87.85'

Found P.K. nail in center of road, set railroad spike
 $S 10^{\circ} 42' 04'' W$ 191.11'
 $\Delta = 33^{\circ} 40' 49''$
 $R = 363.42'$
 $L = 213.63'$

land of Roy Jr. & Barbara Shultis L. 1324 / P. 92
 land of Daniel K. & Kathleen A. Aley L. 1356 / P. 1185
 land of Doris Ehrhart L. 1346 / P. 329

Point in center of road
 Found no. 6 rebar, +25.14'

CREEK

Utility Pole

County Highway 47

house

garage

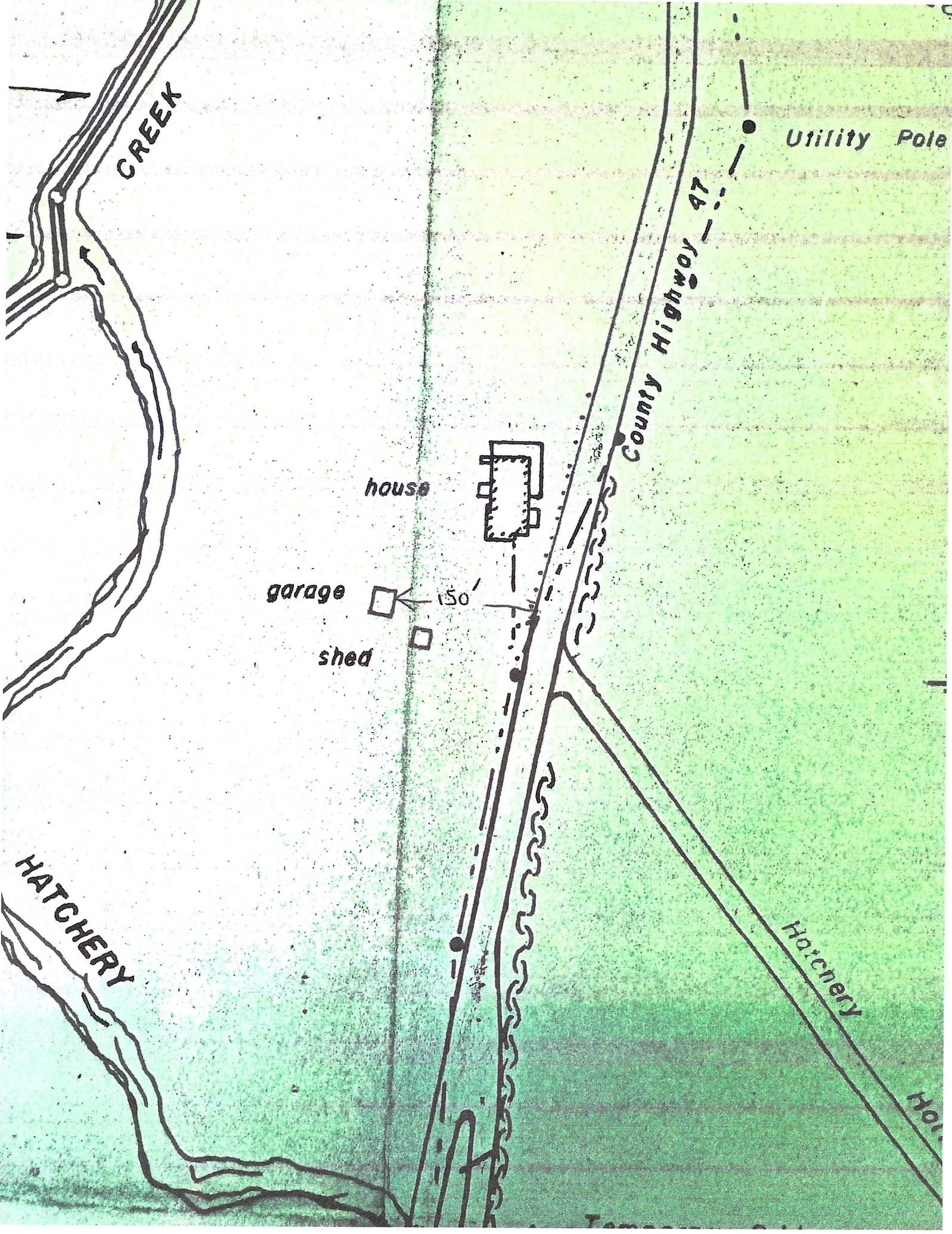
shed

150'

HATCHERY

Hatchery

Hatchery



National Flood Hazard Layer FIRMette

74°27'16"W 42°5'20"N



SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

Legend

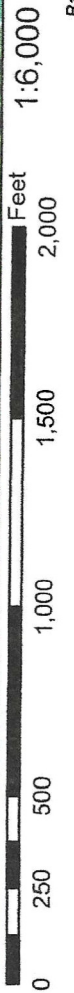
<p>SPECIAL FLOOD HAZARD AREAS</p> <ul style="list-style-type: none"> Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i> With BFE of Depth <i>Zone AE, AO, AH, VE, AR</i> Regulatory Floodway 	<p>OTHER AREAS OF FLOOD HAZARD</p> <ul style="list-style-type: none"> 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> Area with Flood Risk due to Levee <i>Zone D</i> 	<p>OTHER AREAS</p> <ul style="list-style-type: none"> Area of Minimal Flood Hazard <i>Zone X</i> Effective LOMIRS Area of Undetermined Flood Hazard <i>Zone I</i> 	<p>GENERAL STRUCTURES</p> <ul style="list-style-type: none"> Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall 	<p>OTHER FEATURES</p> <ul style="list-style-type: none"> Cross Sections with 1% Annual Chance Water Surface Elevation Coastal Transect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary Coastal Transect Baseline Profile Baseline Hydrographic Feature 	<p>MAP PANELS</p> <ul style="list-style-type: none"> Digital Data Available No Digital Data Available Unmapped
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The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 9/18/2025 at 9:37 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



Basemap Imagery Courtesy: ICES National Map 2020

At least 10 days prior the Zoning Board of Appeals meeting the following will be submitted to the Zoning Office:


1. Six (6) copies of the application and all supporting documents
2. Six (6) copies of the plot/site plan detailing the proposed project and giving a diagram of the property showing all the existing and proposed buildings/structures, indicating the setback dimensions from each property line, stream, road, right of way, and other buildings/structures on the property.
3. A PDF copy of application, supporting documents, and plot/site plan.
4. Application fee: \$125 per use variance being requested.

Once your complete application is submitted to the Zoning Department, it will be scheduled for a PRELIMINARY HEARING, during which time the applicant will present their case to the Board of Appeals. The Board will review the application and all supporting documents, and if all requirements have been met, the applicant will be scheduled for a PUBLIC HEARING, usually at the next regular monthly meeting of the Board of Appeals. During the intervening period, the Zoning Office will notify the applicants abutting and adjacent property owners of the pending application and public hearing date. The cost of notifying the abutting and adjacent property owners via certified mail will be the responsibility of the applicant regardless of the Boards decision.

STATEMENT

The undersigned as individual owner(s) or as a qualified officer of the corporate owner of the above-described property, hereby apply for approval of the proposed variance in accordance with the provisions of the Zoning Law of the Town of Shandaken and authorize entry upon the property for site inspections by Zoning Officials and their authorized representatives. Fees are due and payable to: Town of Shandaken upon submission of the application.

Signature(s)


Tom Carroll Mikelotti

Date

1/7/2026