



Engineering Department
Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520-2501
Tel: 914-271-4783, Fax: 914-271-3790

Zoning Board of Appeals
Application (ZBA)
(Form # Eng-230-160)

(Revised 6/6/2017)

Application Date: 12/30/2021

Application #: (Village Use) 20210083

Type of Application: ☒ Area ☐ Special Permit ☐ Appeal ☐ Interpretation ☐ Use ☒ Fence

NYS SEQR (§617) Actions:

- ☐ Type I - Submit long EAF and CAF
☐ Type II - Not subject to SEQR (area variances for 1, 2 and 3 family homes and lot line variances and individual setback variances) EAF & CAF not required
☐ Unlisted - Submit short EAF (long EAF may be required) and CAF

Other Involved Agencies: ☐ Village Board ☐ Planning Board ☐ Other _____

Property Information:

Section 79.9

Block 9

Lot 7

Property Location (street address) 47 OLCOTT AVENUE, CROTON ON HUDSON, NY 10520

Zone: Residence (1 family) ☒ RA5 ☐ RA9 ☐ RA25 ☐ RA40 ☐ RB (2 family) ☐ RC Multiple Residence ☐ RA60
Limited Office ☐ O-1 ☐ O-2
Commercial ☐ C1 Central ☐ C2 General ☐ Gateway overlay
Other ☐ LI Light Industrial ☐ WC Waterfront ☐ WD Waterfront Development

Current Use: ☒ 1 Family ☐ 2 Family ☐ 3 Family ☐ Multi Family ☐ Vacant Lot
☐ Commercial/Other (description): _____

Applicant Information: (if other than owner, supply a letter from the property owner authorizing application)

☒ Owner ☐ Tenant ☐ Contractor/Vender

☐ Attorney ☐ Engineer ☐ Architect ☐ Other: _____

Last Name: OZHUTHUAL

First Name: CYRIL

MI: T

Company: _____

Address: 47 OLCOTT AVENUE,

Address: CROTON ON HUDSON, NY 10520

E-mail: [REDACTED] Cell #: [REDACTED] Office #: [REDACTED] Fax #: _____

Property Owner: ☒ Same As Above

Last Name: _____

First Name: _____

MI: _____

Company: _____

Address: _____

Address: _____

Home/Office #: _____

Cell #: _____

E-mail: _____

General Application requirements:

1. Forms & fees: This completed application plus seven (7) copies (total of 8) plus eight (8) copies of the supporting documentation shall be submitted by the applicant, accompanied by the applicable fee. Electronic version (pdf, jpeg, other) of all documents must be submitted with the application. Appropriate photographs of the property and surrounding properties should be submitted.
2. Content of submission: Application shall fully set forth the circumstances of the case, accompanied by a proposed plan showing the size and location of the lot, a site plan showing location of all buildings and proposed facilities, including access drives, parking areas, landscaping and streets. Each application shall refer to the specific provision of the chapter and the interpretation that is claimed, details of the variance that is applied for and the grounds on which it is claimed that the same should be granted, or the use for which the special permit is sought.
3. Drawings, elevation plans, and surveys must reflect what is existing and what is proposed and **must be submitted at the time of application**. Failure to do so may result in your application being deemed incomplete.
4. If a recent sale of the property has taken place, please submit proof of ownership.
5. If you are in contract to purchase, please submit a **notarized letter** from the current owner stating that the applicant has his/her permission to file on his/her behalf and applicant is not the owner.

6. Applications **must** be submitted **21 days** prior to the date of the hearing in order to meet **required** deadline dates for Legal Noticing. ZBA meetings/hearings are usually held on the 2nd Wednesday of each month at 8 PM.
7. If the application is approved by the Zoning Board of Appeals and a building permit is needed, a separate application for the building permit will need to be submitted.
8. Appeal: shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination by filing with the administrative official and the ZBA, a notice of appeal specifying the grounds of appeal and relief sought.
10. Stay upon appeal: an appeal shall stay all proceedings in furtherance of the action appealed from, unless it is determined that the stay would cause imminent peril to life or property, in which case, proceedings shall not be appealed other than by a restraining order which may be granted by the ZBA or by a court of record on application.

1. Area Variances

Village Code Section(s): 230-40H, 230-4

Description of variance requested:

According to village code 230-40 H (2), the max height of a fence is six feet. Our fence is six feet, however it is sitting on top of our new retaining wall.

According to village code 230-4 the height of the fence will include the height of the wall it is placed on.

Because of this, I am looking for a variance to allow the installtion of a 16' tall fence where a 6' tall fence is allowed on top of the 10' retaining wall.

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard			
Total Side Yard			
Front Yard			
Rear Yard			

The ZBA 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 a grant. To be considered:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties.
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
3. Whether the requested area variance is substantial.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA but shall not necessarily preclude the granting of the area variance.

Provide additional Information for all five factors above:

1. Presently the fence is up and we have been receiving compliments from our neighbors on the project and the privacy we all benefit from.
2. Without this current fence at the present height, safety will always be a concern.
3. In our opinion it is not substantial as it currently matches with the rest of the perimeter. So it has a flush appearance.
4. No adverse effect or impact on the physical or environmental conditions in the neighborhood or district
5. This was not self-created. The plans specified what fence was required. The contractor made the mistake, however it is a mistake that is preferable for our situation and family

(can use separate paper if necessary)

Have any previous area variance applications been made? ☒ yes ☐ no If so, give date: 3/10/2021

Description of previous variance:

Request for a 4 ft. variance for the 10 foot retaining wall and 3 ft. variance for the proposed steps within 4 ft. of a property line be granted

(see attached for 3/10/21 resolution)

2. Special Permit

Village Code Section(s): _____

Special Permit Description: _____

Explanation: _____

(can use separate paper if necessary)

Have any previous special permit applications been made? ☐ yes ☐ no If so, give date: _____Description of previous special permit: _____

_____**3. Appeal**

Village Code Section(s): _____

Description of administrative decision or order (include copy): _____

Date of decision or order: _____

Explanation of reason for appeal: _____

(can use separate paper if necessary)

4. Interpretation

Village Code Section(s): _____

Description of proposed project or improvement: _____

_____Explanation/describe request: _____

(can use separate paper if necessary)

5. Use Variances

Village Code Section(s): _____

Existing Use of Property: _____

Proposed Use of Property: _____

No use variance shall be granted by the ZBA without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. These four criteria must be satisfied:

(USE VARIANCES – continued)

1. Applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
2. Alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
3. Requested use variance, if granted, will not alter the essential character of the neighborhood.
4. Alleged hardship has not been self-created.

Provide additional Information for all four factors above _____

(can use separate paper if necessary)

Have any previous use variance applications been made? ☐ yes ☐ no If so, give date: _____

Description of previous use variance: _____

Answer Questions (1-5):

- | | |
|---|--|
| 1. I have submitted required number of copies + documentation | ☐ yes ☐ no |
| 2. Drawings, elevation plans & surveys have been submitted | ☐ yes ☐ no |
| 3. All required application information has been provided | ☐ yes ☐ no |
| 4. Proof of ownership, if applicable, has been provided | ☐ yes ☐ no |
| 5. Digital files of all documentation have been submitted | ☐ yes ☐ no |

I certify that the above information is accurate and I am the property owner or authorized by the owner to file this application on their behalf and that I will indemnify and hold the Village harmless against any damage or injury that may be caused by or arise out of any entry onto the property in connection with the processing of the application, during construction or performance of the work or within one year after the completion of the work.

Cyril Ozhuthual

C. Thomas Ozhuthual

12/30/2031

Applicant Name (please print)

Applicant's Signature

Date

Note: According to Section 230-164(E), "Unless work is commenced and diligently prosecuted with one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void."

For larger projects, a request can be made for a variance from Section 230-164(E) for up to a two year period.

I request a 2 year period to commence work ☐ yes ☐ no

(Below for Village use only)

Is lot an existing small lot? ☐ yes ☐ no

Note: If yes, lot area, lot depth and lot width exceptions are granted under Village Zoning Code 230-40G

Decision Type: _____

Decision Type: _____

Date: _____

Date: _____

☐ Approved

☐ Approved

☐ Denied:

☐ Denied:

Fee: \$ 100.00

Date Paid: 1/5/22

Rec'd by: AD

RESOLUTION

Jeffry Gaspar of Veritas Engineering and Inspection, PLLC, representing the owner Cyril Ozhuthual, has applied to the Zoning Board of Appeals of the Village of Croton-on-Hudson for a height variance from Section 230-40(H)(2) for a proposed retaining wall over 6 feet in order to level an existing slope in the rear yard, and for a variance from Section 230-40 (E) (1) for proposed steps within 4 feet of a property line.

The property, at **47 Olcott Avenue** is located in the RA-5 One-Family Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 79.9 Block 9 Lot 7.

This proposed action is considered a Type II Action under the State Environmental Quality Review Act (SEQRA), therefore, no Negative Declaration is required.

A public hearing having been held after due notice, this Board, after reviewing the application and viewing the premises and neighborhood concerned, finds:

1. No undesirable change in the character of the neighborhood nor detriment to nearby properties will be produced by the granting of the variances.
2. The benefit sought by the applicant for the retaining wall cannot be achieved by a method other than the requested variance; the benefit sought by the applicant for the proposed steps does not have a significant impact although it could be achieved by another method.
3. The requested variances are substantial;
4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
5. The difficulty alleged by the applicant was self-created.

NOW, THEREFORE, BE IT RESOLVED, that a 4-ft. variance for the proposed 10 foot retaining wall and a 3-ft. variance for the proposed steps within 4 ft. of a property line be **GRANTED** subject to the following conditions, and further finds the variances granted herein is the minimum variances necessary and adequate.

Motion: Mark Arons

Second: Alex Morales

Vote: AYES 4 NAYS 0 ABSENT 1 (Doug Olcott)

Condition(s):

1. That, according to Section 230-164(E), "Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void".
2. That, the variances are granted based on the plans and other documents submitted in support of the application.

3/10/2021

From:

Neela Metgud & C. Thomas Ozhuthual
47 Olcott Ave., Croton on Hudson, NY 10520

To:

Zoning Board of Appeals (ZBA)
Village of Croton on Hudson (Engineering Dept.)
1 Van Wyck St., Croton on Hudson, NY 10520

Subject: ZBA Application [Fence Variance]

Dear ZBA members,

We want to thank you for all the previous considerations you made for this backyard project. We are finally at the last stage. This is a request for an additional consideration.

Our contractor had mistakenly installed a 6 foot high fence on the back perimeter of our property which is on top of the new retaining wall. The original plan had stated that this should have been a handrail. However, as you will see with the attached pictures, a handrail would be highly inappropriate on top of the wall. We have three small children (ages 1, 5, 7) and our fear with a handrail is they can easily climb and fall over causing severe harm to themselves. This is not just limited to our children, any person that is on our property will naturally be fearful of a handrail in that particular location. It creates an unnecessary risk and uneasiness which can be mitigated by allowing us to keep the 6-foot fence.

We have also spoken to a friend who is a real estate agent and she indicated that the existing fence is definitely safer and from a selling standpoint it is more marketable. She shared the same concerns we have and said that it may cause issues down the line if we ever decide to sell. We have also spoken to our neighbors and they enjoy the added privacy that they now have, which will be lost if we cannot keep the 6 foot fence.

We hope that you will consider all the points raised and please feel free to reach out to us if you want any additional information or if you have any questions. Thank you for your consideration!

Regards,

Neela Metgud & Tom Ozhuthual

914-862-0529

From:

Sara Peterson
16 Radnor Avenue., Croton on Hudson, NY 10520

To:

Zoning Board of Appeals (ZBA)
Village of Croton on Hudson (Engineering Dept.)
1 Van Wyck St., Croton on Hudson, NY 10520

Subject: Neighbor approval of fence variance at 47 Olcott Ave, Croton on Hudson, NY 10520

Dear ZBA members,

My backyard is adjacent to the backyard of the Ozhuthual family, who reside at 47 Olcott Avenue. This letter is to confirm that the Ozhuthual's made us aware to the fact that the contractor did not install the fence at the approved height and it is currently 2 feet over what was in the original plans. They mentioned that although this is incorrect, they do prefer the higher fence as they have 3 small, very active children. I can confirm this does not cause any issues or concern on my side. The higher fence also provides additional privacy on our side which is nice.

Regards,

A handwritten signature in blue ink, appearing to read 'SE Peterson'.

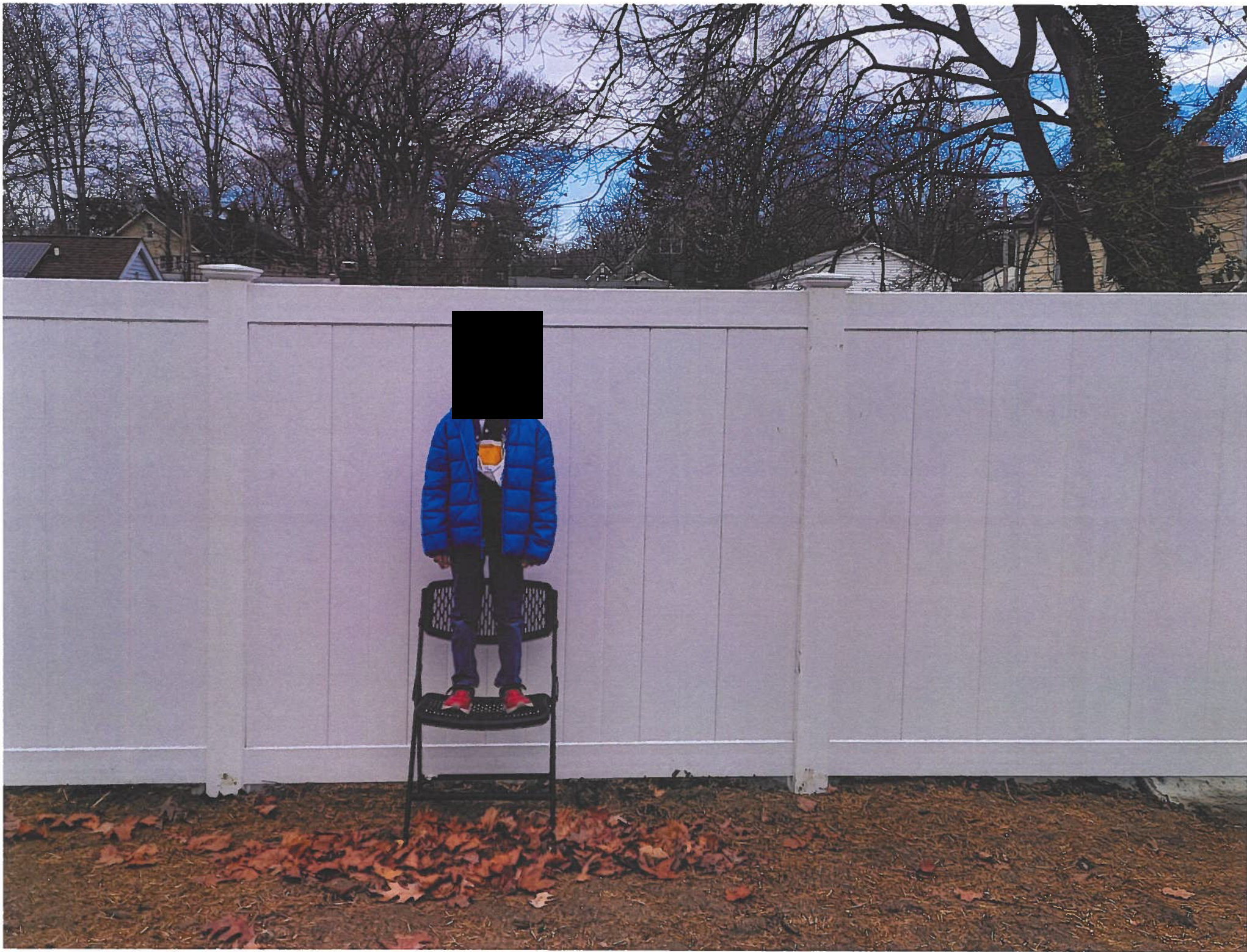
Sara Peterson

Jan 18, 2022



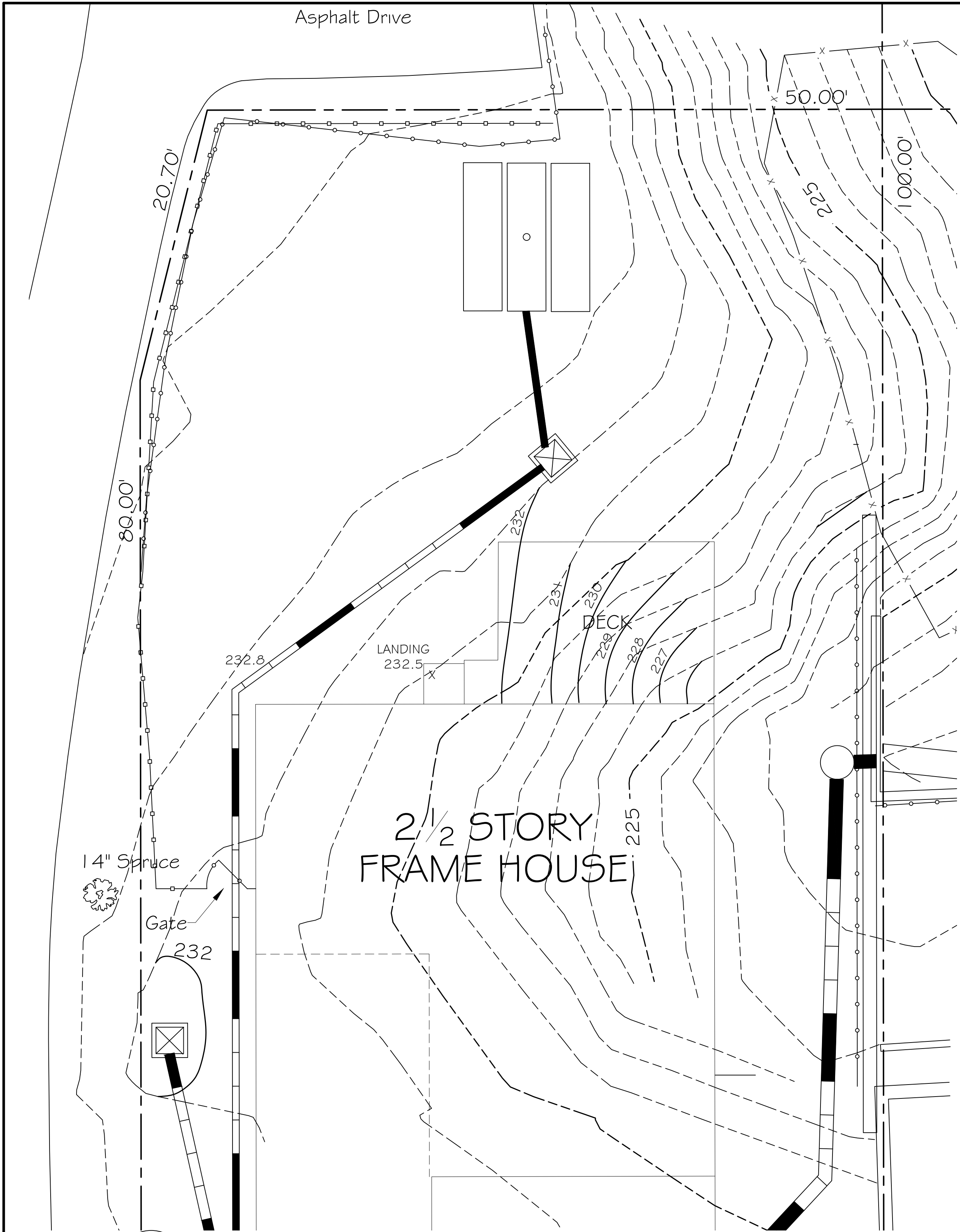






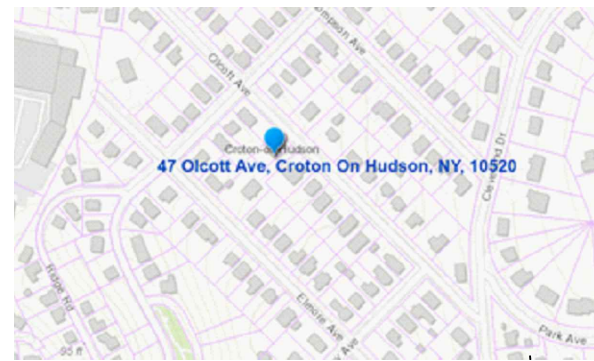
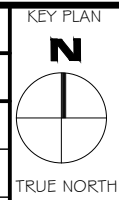


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1/A101 EXISTING GRADING PLAN
SCALE: 3/16" = 1'-0"

REVISIONS		
NO.	DATE	DESCRIPTION



LOCAL MUNICIPALITY:



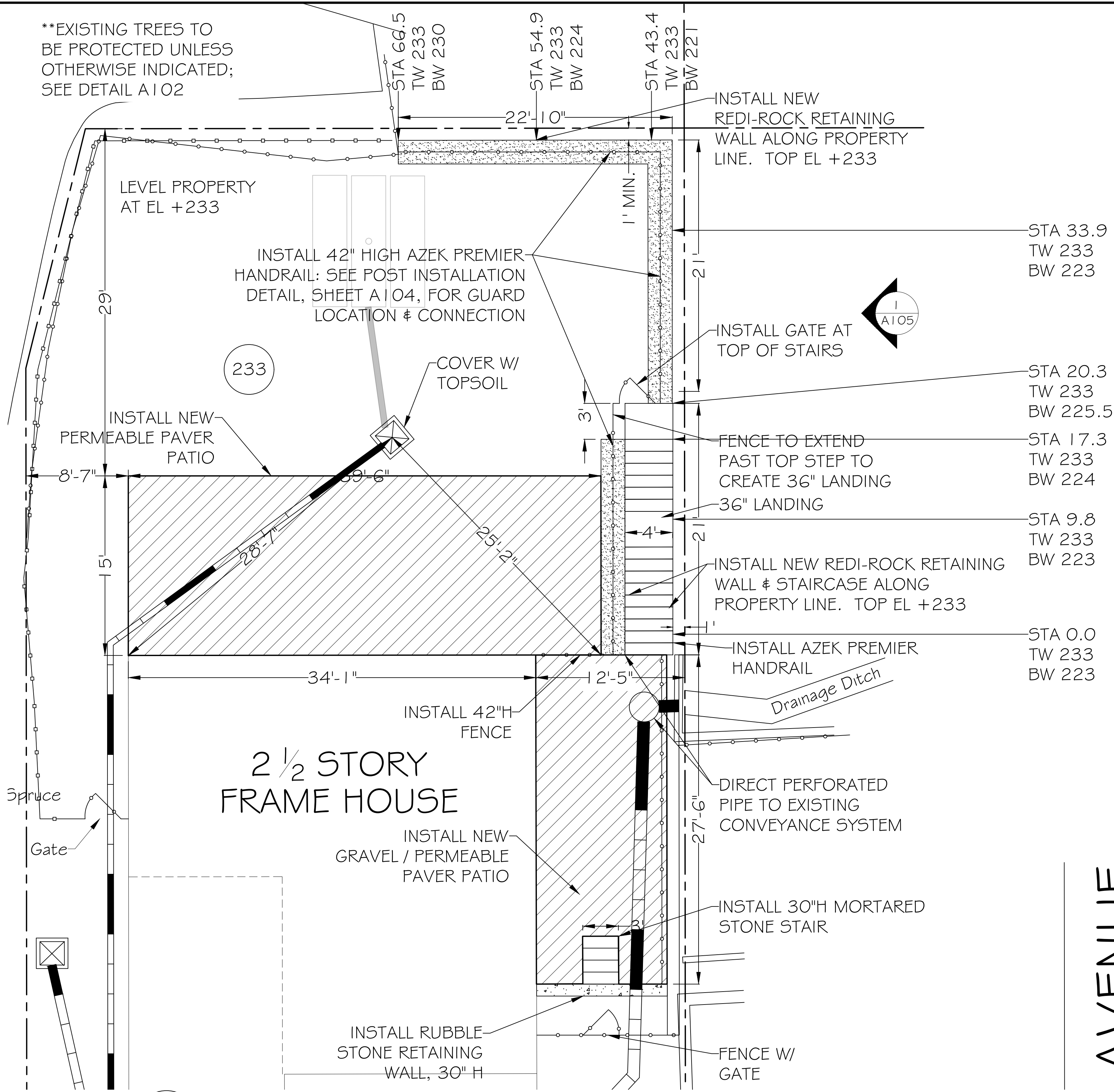
VILLAGE OF CROTON-ON-HUDSON
1 VAN WYCK STREET
CROTON-ON-HUDSON, NY 10520

CLIENT:

CYRIL T OZHUTHUAL
47 OLCOTT AVE
CROTON-ON-HUDSON, NY 10520



47 OLCOTT AVENUE		
PROPOSED SITE PLAN		
DATE 2/14/2020	SCALE	AS NOTED
	SHEET #	
	A101	

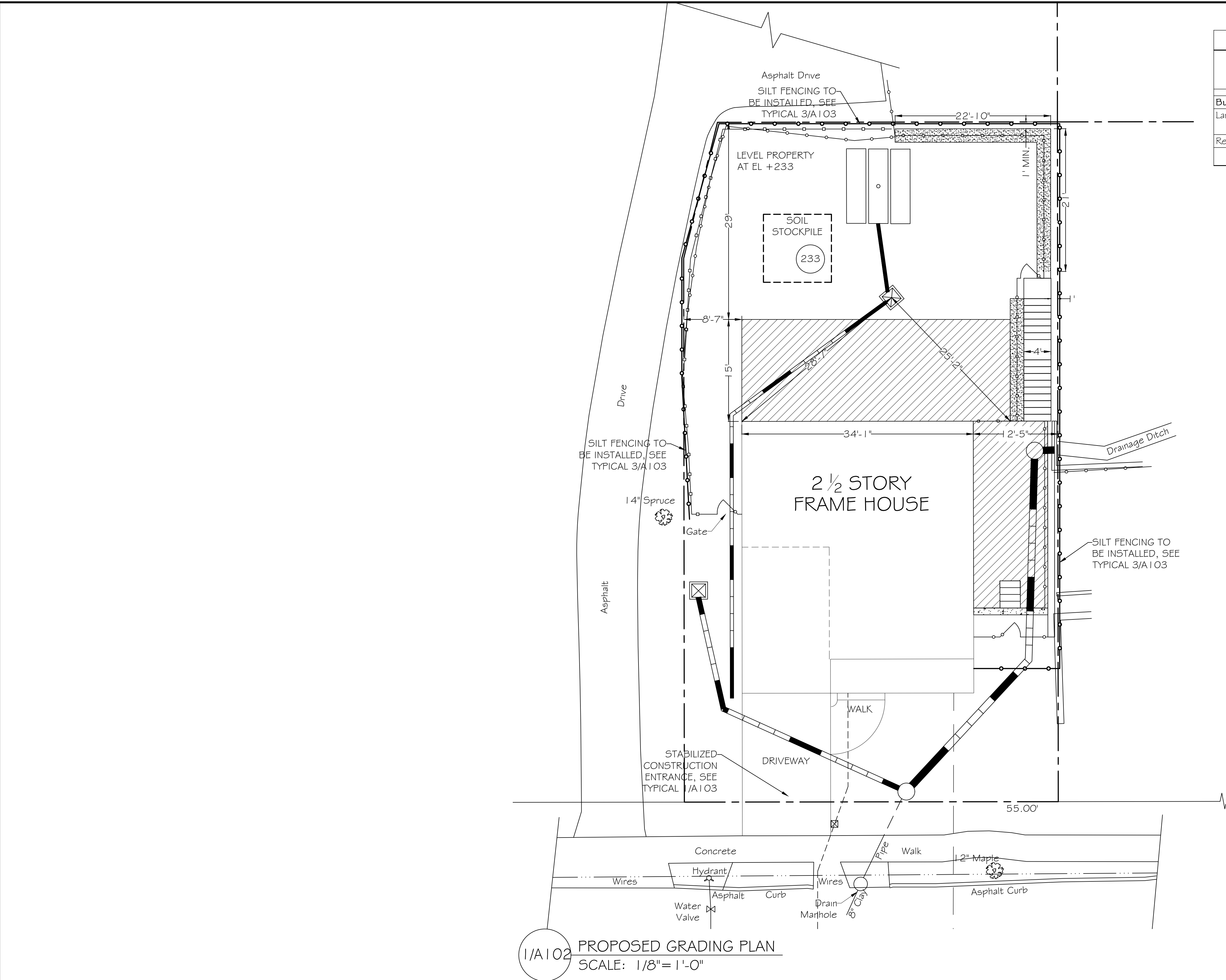


2/A101 PROPOSED SITE PLAN
SCALE: 3/16" = 1'-0"



AVENUE

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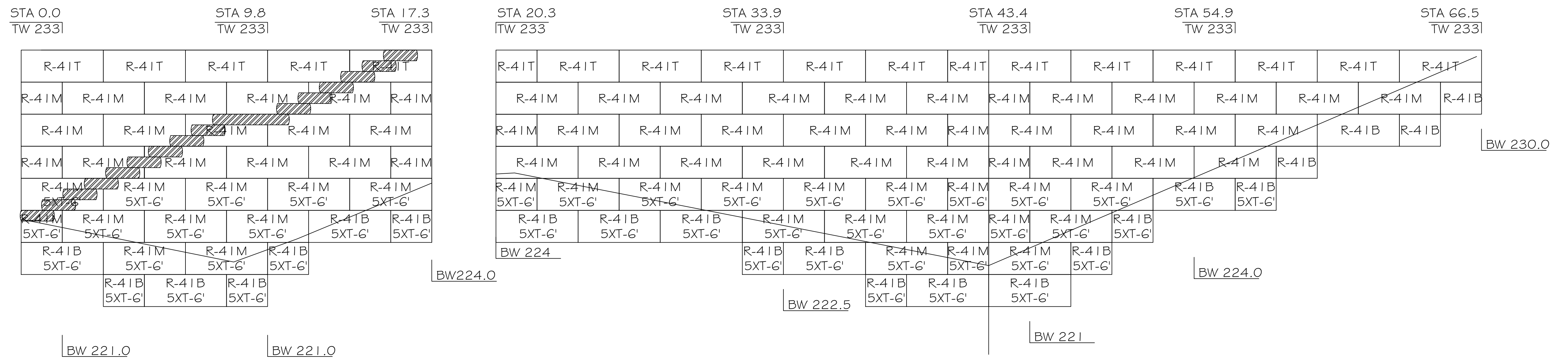


Village of Croton-On-Hudson				
Basic Data:		Address: 47 Olcott Ave		
		Section: 79.9	Block: 9	Lot: 7
		Zoning District: RA-5		Proposed Use: Pool Installation
Bulk Regulations:		Required/Maximum	Existing	Proposed
Landscape Coverage (% of lot area)				
Building Coverage		40%	30%	34%
Retaining Wall				
Wall Height:		6'	-	10'
				4'

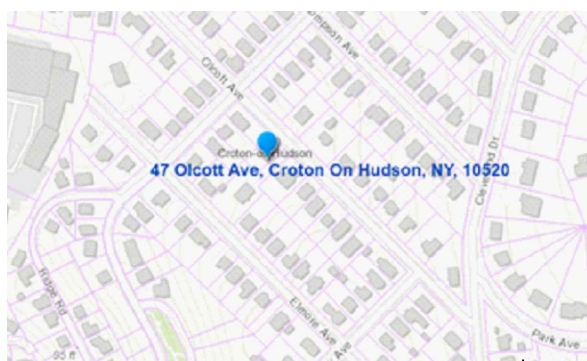
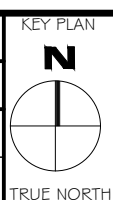
1/A102 PROPOSED GRADING PLAN
SCALE: 1/8"=1'-0"



REVISIONS			KEY PLAN N TRUE NORTH		LOCAL MUNICIPALITY: VILLAGE OF CROTON-ON-HUDSON 1 VAN WYCK STREET CROTON-ON-HUDSON, NY 10520	CLIENT: CYRIL T OZHUTHUAL 47 OLCOTT AVE CROTON-ON-HUDSON, NY 10520		 4 FLANDERS LANE, CORTLANDT MANOR, NEW YORK 10567 P: (914) 458-1110 WWW.VERITASHOMESERVICES.COM	47 OLCOTT AVENUE	
NO.	DATE	DESCRIPTION							PROPOSED GRADING PLAN	
DATE		12/14/2020	SCALE	AS NOTED	SHEET #		A102			



1/A105 UNFOLDED ELEVATION VIEW
SCALE: 3/8" = 1'-0"

[illegible]

LOCAL MUNICIPALITY:



VILLAGE OF CROTON-ON-HUDSON
1 VAN WYCK STREET
CROTON-ON-HUDSON, NY 10520

CLIENT:

CYRIL T OZHUTHUAL
47 OLCOTT AVE
CROTON-ON-HUDSON, NY
10520



47 OLCOTT AVENUE			
ELEVATION DETAILS			
DATE	12/14/2020	SCALE	AS NOTED
		SHEET #	
		A105	