



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)

APR 19 2022

Engineers Office (Revised 6/6/2017)

Application Date: April 18, 2022

Application #: (Village Use) 20220226

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 67.16 Block 2 Lot 14
Property Location (street address) 2 Fox Road

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: Sammon First Name: Susan MI:
Company:
Address: 2 Fox Road
Address: Croton on Hudson, NY 10520
E-mail: Cell #: Office#: 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): 230-40 H (1) 1

Description of variance requested:

See attached: 1 document, 2 surveys, 3 photos, 2 notes

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard			
Total Side Yard			
Front Yard			
Rear Yard			
FENCE HEIGHT	4' ft	10' ft	6' ft
% SOLID (FENCE)	50%	100%	

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:

(can use separate paper if necessary)

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

Description of previous variance:

1991. Garage built. 9/11/1991

2010. Carport added to garage. 1/10/2010

> Resolutions Attached

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: _____

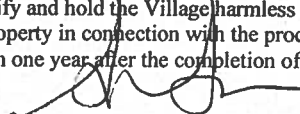
Description of previous use variance: _____

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.

Susan Sammon



4/19/22

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: 4/19/22

Rec'd by: 10

Submitted by Susan and Rick Sammon
April 19, 2022

Description of variance requested:

The challenge: Fencing is needed to screen out car headlights from shining into our home. Trees that screened lights (for 30 years) have grown tall and no longer act as a screen. We wanted to plant more trees to restore the screening but ran into growing condition problems. The sunny side of the existing tree line is not on our property. While there is space on the inside of the tree line, the location is too shady for evergreens. We have consulted several landscapers for green solutions without success.

Our request: Approval of a 6-foot-high solid wood fence in our side yard. Only 3 or 4 panels of fence are requested ... the minimum amount to remedy the problem. As the property is on a slope, the fence panels would need to be elevated on posts to reach street level. This would place the top of the fence approximately 6 feet above grade.

The variance is needed because our side yard faces the street, so front yard rules apply. (See survey and marked survey attached.)

Consider unique property location: Our home faces a curve in the road. Cars coming up the street point directly into our residence. In addition, the side of our home is mostly glass. There are no neighbors on the side of the property where we want to add the fence. (See photos attached.)

Support from our neighbors: We have lived in our home for 38 years. We value green spaces, or privacy and our neighbors' interests. Many of our neighbors pass our house on their way to the Jane. E Lytle Arboretum. We have asked for, and received, their support on our proposed fence. (See notes from neighbors attached.)

67.16-2-14

RESOLUTION

HOWARD S. RAABE, JR., representing RICHARD and SUSAN SAMMON, has applied to this Board for a variance from the requirements of the Zoning Ordinance for the permitted location and height of accessory buildings. The property, at 1 Fox Road, is located in an RA-40 District and is designated on the Tax Maps of the Village as Section 57, Block 222, Lot 14F-10.

A public hearing having been held after due notice, this Board, from the application and after viewing the premises and neighborhood concerned, finds that the unique topography of the property makes it impossible for the applicant to construct the garage in any other location on the property. The slope of the property is so steep and uneven that the house is entered on the second floor via a footbridge from the front yard. This same topography would help to conceal the garage from the road.

The applicant also requested a 1 foot 4 inch variation from the permitted maximum height of the garage. The granting of this variance would enable the applicant to use the garage for both storage and studio space. The Board finds that the added height would not impact on the view from the road due to the hilly terrain.

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby GRANTED only to the following extent and upon the following conditions, namely that the loft area of the garage have no heating or plumbing and that it not be used as living space.

Foregoing resolution submitted by Stephens and seconded by Reisner.

Dated: 9-11-91

RESOLUTION

Susan & Rick Sammon, have applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for relief from Section 230-40(A) (1) with respect to the location of an accessory building and Section 230-40(B) with respect to an accessory building projecting nearer the street than the principal building..

The property, at 2 Fox Road, is located in a RA-40 District and is designated on the Tax Maps of the Village as Section 67.16 Block 2 Lot 14.

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

There will be no undesirable change to the character of the neighborhood or detriment to nearby properties. The existing fir trees provide adequate screening.

There were no objections from the neighbors.

The proposed variance will not have an adverse affect on the physical or environmental conditions of the neighborhood or district.

The requested area variance is not substantial.

The alleged difficulty was not self created.

The benefit sought can not be achieved by some other method due to the topography of the land. A previous Variance that was granted on September 11, 1991, with respect to height and the location of an accessory building, runs with the land. At that time the Board stated in the resolution that it found "the unique topography of the property makes it impossible for the applicant to construct the garage in any other location on the property."

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby **Granted** as follows:

Stephens – Made Motion to grant the application as requested for relief from Section 230-40 (A)(1) with respect to the location of an accessory building and Section 230-40(B) with respect to an accessory building projecting nearer the street than the principal building and according to plans submitted.

Schuyler – Second the Motion

Vote: All In Favor – Stephens, Schuyler, Davis, Olcott Macdonald

1/13/10

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.