

Village of



Croton-on-Hudson

Engineering Department
Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520-2501
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Zoning Board of Appeals **Application (ZBA)**

(Form # Eng-§230-160)

(Revised 06 2017)

Application Date: 6/21/2022

Application #: 20220361

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: 68.13

Block: 3

Lot: 14

Property Location (street address): 44 PARK TRAIL, CROTON ON HUDSON, NY 10520

Zoning District ☐ RA5 ☐ RA9 ☒ RA25 ☐ RA40 ☐ RB (2 family) ☐ RC Multiple Residence
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/Vendor
☐ Attorney ☐ Engineer ☒ Architect ☐ Other: _____

Last Name: EVANS First Name: JULIE MI: D

Company: JULIE EVANS ARCHITECTURE & DESIGN

Address: 100 BENEDICT BLVD

Address: CROTON ON HUDSON, NY 10520

Phone #: _____ Cell #: 914.980.5345 E-mail: julie@evansarchitecture.com

Property Owner: ☐ Same As Above

Last Name: Michelle Franks First Name: John Neill MI: _____

Company: INDIVIDUALS

Address: 44 PARK TRAIL

Address: CROTON ON HUDSON, NY 10520

Phone #: _____ 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): ZONING, 230 ATTACHMENT C'

Description of variance requested:

AREA & BULK SCHEDULE

7.94' REAR YARD VARIANCE REQUESTED IN ORDER TO
CONSTRUCT A SINGLE STORY OFFICE OVER AN
EXISTING DECK. A 30' REAR YARD IS REQUIRED IN
ZONE R-25, THE ROOM WILL BE 22.06' FROM THE REAR LINE.
(can use separate paper if necessary)

Required setbacks:

Proposed Setbacks:

Variance Requested:

Side Yard

20'-0"

24'-0"

Total Side Yard

50'-0"

196'-4"

Front Yard

40'-0"

47'-0"

Rear Yard

30'-0"

19.12'

REAR YARD @ OFFICE :

22.06'

7.94' VARIANCE REQUESTED

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:

— SEE ATTACHED NARRATIVE —

(can use separate paper if necessary)

Have any previous area variance applications been made? ☒ yes ☐ no If so, give date: 4/11/1990

Description of previous variance: see attached

2. Special Permit

Village Code Section(s): N. A.

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): N. A.

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

(can use separate paper if necessary)

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: _____

5. Use VariancesVillage Code Section(s): N/A

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:**

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.

JULIE D EVANS AA
Applicant's Name (please print)[Signature]
Applicant's Signature6/22/22
Date

Note: 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."

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

I request a 2 year variance:☐ YES☐ NO**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: _____

Date: _____

☐ Approved☐ Denied

Decision Type: _____

Date: _____

☐ Approved☐ DeniedFee: \$ 350.00Date paid: 6/21/22Rec'd by: [Signature]

**APPEAL FOR VARIANCE FROM REAR LOT SETBACK REQUIREMENTS
44 PARK TRAIL (SEC. 68.13, BLOCK 3, LOT 14)**

Date: June 22, 2022

To: Zoning Board of Appeals, Village of Croton-on-Hudson

From: Michelle Franks & John Neill

Michelle Franks and John Neill (Section 68.13, Block 3, Lot 14), request a variance for rear yard setback yard requirements of the Village of Croton-on-Hudson Zoning Law. It is the applicants' intention to construct a single story "pocket home office" over a rarely used portion of their existing deck. The office will project 1'-6" beyond the existing deck to 8'-0" to be furnishable and functional. The rear corners of the existing home as well as corners of the existing decks are existing non-conforming: projecting beyond the 30' required rear yard setback for the R-25 zone.

ZBA considerations:

- 1. Negative Impacts to neighborhood-character-neighboring properties?** The proposed addition will have, at most, a minimal impact on the neighboring dwellings. As the photographs show, the rear portion of the subject home and deck area are not visible from the street. The rear of the home is heavily screened by existing trees, and hardly visible from its neighbor to the south at 42 Park Trail. It faces the driveway but not the active portions of 42 Park Trail, such as decks or patios.
- 2. Reasonable Methods to Extend the Dwelling?** The applicants do not have another reasonable method for achieving additional space in the dwelling without an addition and an area variance. There is no other practical way to add on to the home without disrupting the recently renovated porch, living, dining, and kitchen spaces and their windows and rooflines to the front, and the area over the large side deck is too close to the existing septic field, and would also disrupt the living room and its windows.
- 3. Substantial Area Variance?** The corner of the new room will be 22.06' from the rear property line, requiring a variance of **7.94'** from the 30' rear yard requirement. In context, the existing deck corner is 20.77 from the rear line, other portions of the deck are 19.12' from the rear line, and the corner of the house is 25.3' from the rear line. Building a single-story room over the deck extends the non-conformity by a modest amount, in this context. Thus, this is not a Substantial variance.
- 4. Adverse environmental effects to district?** The addition will have no adverse environmental effects. The footprint of the addition will cover the existing deck, and will be built on piers, rather than a full foundation. NO trees will be removed. The new construction will add 25 s.f. of building coverage beyond the deck. Thus, there will be minimal site disturbance to the immediate property, no negative impacts to the district.
- 5. Self created difficulty?** Yes, in that the homeowners desire a home office.

Conclusion

The proposed addition, which would increase the area of the dwelling by 144 sq. ft., will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. We appreciate the consideration of this appeal by the Zoning Board of Appeals and will be glad to provide any explanation or additional material requested by the Zoning Board of Appeal on this application.

Resolution: Balter--Section 51, Block 246, Lots 3 and 4

Applicant's property is located in an RA-25 District. The Zoning Law requires a 30-foot rear yard setback and a 40-foot front yard setback. Applicant's single-family residence has a 25.3 foot rear yard setback and applicant seeks to expand the residence with an additional bedroom and bath, which will create a 15.1 foot rear yard setback. Although the almost one acre lot permits lawful expansion in another direction, applicant states that the proposed addition requiring the variance is the only financially feasible proposal and the only proposal that is architecturally consistent with the existing residence. The application as amended also seeks a front yard variance with the existing 29.7 front yard setback. The Board finds that on the basis of economic hardship and consistent with the public interest the application as amended should be granted.

PROXY STATEMENT

Michelle Franks and John Neill are the owners of a residential property located at
44 Park Trail, Croton on Hudson, NY, and has authorized
Julie D. Evans, AIA, to make applications for and represent them at all Zoning Board of
Appeals meetings pertaining to the addition-alteration of a deck into a finished room at the
above address.

A handwritten signature in black ink, appearing to read "J Neill", written over a horizontal line.

Signature of Owner

June 21, 2022

Date