



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)

NOV 22 2023

Engineers Office (Revised 6/6/2017)

Application Date: 11-17-2023

Application #: (Village Use) 20230572

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 2 Lot 73

Property Location (street address) 15 Radnor 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 "A" district at time of construction in 1954
Commercial ☐ C1 Central ☐ C2 General ☐ Gateway overlay
Other ☐ L1 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: Arnaw

First Name: Joseph

MI:

Company:

Address: 12 Glengary Road, Croton-on-Hudson, NY 10520

Address:

E-mail: jamow@josepharnowarchitect.com Cell #: 917-334-7541 Office#: 914-222-1363 Fax #:

Property Owner: ☐ Same As Above

Last Name: Ross

First Name: Johil & Gadiel

MI:

Company:

Address: 15 Radnor Avenue, Croton-on-Hudson, NY 10520

Address:

Home/Office #: Cell #: 301-254-7340 E-mail: johilross@gmail.com

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): 230-33 A.

Description of variance requested:

A variance was issued by the Zoning Board of Appeals to prior owners in 1989 to legalize the front setbacks of the corner lot, the rear deck and side setback. Currently the house is one (1) story and the applicant proposes to add a 2nd story onto the existing footprint of the house, which would require a new variance to continue the non-compliant front and side setbacks on the house permitted by the 1989 Variance.

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	5'	4.44'	3.56', same as 1989 Variance
Total Side Yard	20'	12.44'	7.56', same as 1989 Variance
Front Yard	15' (Radnor & Olcott)	13.42' Radnor / 7.97' Olcott	1.58' / 7.03', same as 1989 Variance
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. There are several 2 story homes in the vicinity of the property. No undesirable change in the character of the neighborhood or detriment to nearby properties will occur.
2. A 2nd story addition resting on the existing 1st story walls is the most efficient method structurally. Shifting 2nd floor exterior walls to compliant setbacks would involve significant structural modifications & would not provide sufficient area for the program.
3. Because the property is very elevated from Radnor (6') and Olcott (7.5'), the visual setback appears greater than the actual horizontal distance, making the variance feel less substantial.
4. There will be no adverse effect or impact on the environmental conditions in the neighborhood or district.
5. The proposed 2nd Story addition would seek to maintain, and not exceed, the existing 1st story setbacks that received a variance in 1989. As such, the need for a variance was not self-created.

(can use separate paper if necessary)

Have any previous area variance applications been made? ☒ yes ☐ no If so, give date: Approved on 12-11-1989

Description of previous variance:

This variance accepted Front Yard setback of 13.42' on Radnor, Front Yard Setback of 7.97' on Olcott to the house, 0' setback to the Garage (which lost its classification as an Accessory Building with a raised deck that connected it to the house creating an continuous structure), 30 inches setback of the deck on the Olcott side, and a side yard on the southerly side of 4.44'.

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.

Joseph Arnow

Applicant Name (please print)

Applicant's Signature

11/22/2023

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: \$ 375.⁰⁰

Date Paid: 11/22

Rec'd by: 