

Mathew A. Snethen, RA AIA
Architect
110 Oneida Ave
Croton on Hudson, NY 10520

To the Zoning Board of Appeals

Re: 117 Oneida Variance Application

Per the attached we request a zoning variance for a side yard setback be considered and approved.

During the development of the plans, and during the filing, we had understood that the existing structure had been built zoning compliant. The homeowner had received a building permit based upon this understanding.

While under construction, a concern was raised that the existing structure HAD NOT been compliant with the current zoning code- and would thereby require a zoning appeal to extend the existing building volume.

We have obtained the final survey- and hereby request a 3'-0" side yard variance on the North Façade.

Village of



Croton-on-Hudson

Engineering Department
Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520-2501
Tel: 914-271-4783
engineering@crotononhudson-ny.gov

Zoning Board of Appeals Application (ZBA)

(Form # Eng-§230-160)

NOV 21 2023

Engineers Office

(Revised 06 2017)

Application Date: 11/21/2023

Application #: 20210157

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: 10 Lot: 22

Property Location (street address): 117 Oneida Ave

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: Steven First Name: Toretta MI: _____

Company: _____

Address: 117 Oneida Ave

Address: Croton on Hudson, NY 10520

Phone #: _____ Cell #: _____ E-mail: _____

Property Owner: ☒ Same As Above

Last Name: _____ First Name: _____ MI: _____

Company: _____

Address: _____

Address: _____

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): 230-33A

Description of variance requested:

Single Side Yard Variance of 3'-0"

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	<u>8'-0</u>	<u>5'-0"</u>	<u>3'-0"</u>
Total Side Yard	<u>20'-0"</u>	<u>22'-10" Existing</u>	<u>none</u>
Front Yard	<u>15'-0"</u>	<u>17'-10" Existing</u>	<u>None</u>
Rear Yard	<u>25'-0"</u>	<u>58'-11"</u>	<u>None</u>

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.

(can use separate paper if necessary)

Have any previous area variance applications been made?
Description of previous variance:

☐ yes ☒ no If so, give date: _____

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?
Description of previous special permit:

☐ yes ☐ no If so, give date: _____

3. Appeal

Village Code Section(s): _____

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 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:**

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.

Stephen Toretti

Applicant's Name (please print)



Applicant's Signature

11/21/23

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: _____

Decision Type: _____

Date: _____

Date: _____

☐ Approved☐ Approved☐ Denied☐ DeniedFee: \$ 375.00Date paid: 11/21/23Rec'd by: 

Mathew A. Snethen, RA AIA
Architect
110 Oneida Ave
Croton on Hudson, NY 10520

Re: Additional information regarding the benefit of the request weighed against detriment for 117 Oneida Ave

The total side yard setbacks of the property are in excess of the current zoning requirements for the district, however, the existing and proposed 'minimum' side yard is currently non-compliant. The existing structure had been built with the same relative allowable width to be in compliance with the current zoning code, however, it had been built shifted to the north.

The proposed addition intends to extend the existing area and volume from the current, non-compliant northern side yard. The addition should create a negligible impact to the larger neighborhood and physical environment as the front façade and setbacks remain unchanged, with only the immediate neighbor to the North is most impacted.

IF the new addition were to be shifted to meet the compliance of the current zoning code, the following issues would present:

- Code compliant access to the ½ story attic space would not be possible without impact within the existing non-conforming setback.
- The total width of the impacted home would not be in compliance with the 'spirit of the zoning code' as the southern façade would further encroach closer to the homes to the south. Although this new addition would be within the current zoning envelope- it would be non-compliant with the 'relative' zoning envelope in the neighborhood- and thereby bulkier. [the zoning setbacks on this lot would permit a structure no more than 30'-0" in width, shifting the new volume to meet the 8'-0" setback to the North would result in a structure just over 31'-0" in width]
- Structural alignments and roof alignment would further result in a bulkier, less desirable structure that would hold a greater negative impact on the immediate neighborhood.