

RECEIVED  
DEC 8 2023  
Engineers Office



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, Fax: 914-271-3790

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

(Revised 6/6/2017)

Application Date: 12-18-23

Application #: (Village Use) 20230609

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 6

Lot 33

Property Location (street address) 34 Morningside Drive 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: Roane

First Name: Lewis

MI: C

Company: Lewis Roane Design

Address: 3 Windsor Rd, Croton on Hudson NY 10520

Address: \_\_\_\_\_

E-mail: Lewisroanedesign@gmail.com Cell #: 914-330-1802 Office #: \_\_\_\_\_

Fax #: \_\_\_\_\_

**Property Owner:** ☐ Same As Above

Last Name: Deprez

First Name: Marjorie & Vincent

MI: \_\_\_\_\_

Company: \_\_\_\_\_

Address: 34 Morningside Drive Croton on Hudson NY 10520

Address: \_\_\_\_\_

Home/Office #: \_\_\_\_\_

Cell #: 914 646-4699

E-mail: marjoriEDEPREZ@msn.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 2<sup>nd</sup> 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 Attachment C

#### Description of variance requested:

We are requesting an area variance. This property is located in the RA-9 Zone. The side yard requirements are 12' one side and 30' both sides. The existing house is .5' from the property line and we are proposing to add a 2nd floor at this same .5' setback. The existing side one side setback is 2.75' with an existing combined setback of 62.75'. We are not expanding the footprint of the exist house. The exist rear of the house is setback 34' with 25' required. We are requesting that the this be reduced to 23.5' to allow for a proposed deck.

(can use separate paper if necessary)

|                 | Required setbacks: | Proposed Setbacks: | Variance Requested: |
|-----------------|--------------------|--------------------|---------------------|
| Side Yard       | 12'                | 2.75               | 9.25                |
| Total Side Yard | 30'                | 62.75              | n/a                 |
| Front Yard      | 15'                | .5'                | 14.5'               |
| Rear Yard       | 25'                | 23'6               | 1.5'                |
|                 |                    |                    |                     |
|                 |                    |                    |                     |
|                 |                    |                    |                     |

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:

This project is in keeping with the neighborhood and is not detrimental to the surrounding properties. We evaluated other locations but the exist house configurations and layout limited us to this location. We feel that this is a minimal variance and the impact to site & neighborhood we are using existing foundations and not expanding the footprint of the house.

(can use separate paper if necessary)

Have any previous area variance applications been made? ☒ yes ☐ no If so, give date: 7/13/2021

#### Description of previous variance:

Addition to existing house reconfiguring and expanding to include a second floor, multiple decks, enclosed garage, a carport and internal stair tower  
- This project was not acted upon. Our proposed design is smaller in scope

**2. Special Permit**

Village Code Section(s): \_\_\_\_\_

Special Permit Description: \_\_\_\_\_

Explanation: \_\_\_\_\_

N/A

(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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

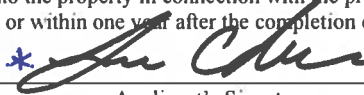
Answer Questions (1-5):

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

Lewis C Roane

Applicant Name (please print)



Applicant's Signature

10/31/2023

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.<sup>00</sup>

Date Paid: 12/18/23

Rec'd by: sc