



166 Maple St.  
(Neighbor)

79.05-1-4

VILLAGE OF CROTON-ON-HUDSON, N.Y.

APPEAL FOR VARIANCE

DATED: 17 August 1978

TO THE ZONING BOARD OF APPEALS:

Appeal is hereby taken from the strict application of the 1961 Village of Croton-on-Hudson Zoning Ordinance, and a variance is applied for in accordance with Article IX of the Ordinance.

Location of property (include address, class of District, and section, block and lot number)

. . . 166 Maple Street . . . . .

. . . Section 42 Block 206 Lot 6 . . . . . RB District . . . . .

Has any previous appeal been made? If so, give date and determination.

. . . 9/17/75 : appeal to maintain a separate apartment.. Denied 10/8/75.

. . . . .

List relevant section and paragraph of Zoning Ordinance.

. . . Section 4.1.2. . . . .

Statement of facts - Reason for appeal:

I wish to have a deck on the right side of my house facing same from the street and the rear so that I can utilize the rear of my property in a reasonable manner. Presently I have to go down a flight of stairs at the right front of the house to get to the rear. If the deck is constructed I will have an insufficient side yard on the right side and thus both side yards as a total will be insufficient. I am requesting an area variance for same.



Application No. 58/78 Permit No. 1644

**Building Department**  
**VILLAGE OF CROTON-ON-HUDSON, N. Y.**  
 Van Wyck St. Tel. CR 1-4783  
 County of Westchester

 Location 166 Maple Street  
 Section 42 Block 206 Lot 6

## CERTIFICATE OF OCCUPANCY

 No. 2084 Date January 15 19 80

THIS CERTIFIES that the building located at premises indicated above, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated October 2 19 78, pursuant to which Building Permit was issued, and conforms to all of the requirements of the applicable provisions of the law. The occupancy for which this certificate is issued is deck addition to one-family dwelling  
in accordance with variance granted by Zoning Board of Appeals Sept. 13, 1978.

This certificate is issued to James C. Ozturk, owner,  
 (owner, lessee or tenant)  
 of the aforesaid building.

*Philip C. Tully*  
 Building Inspector

(The Certificate of Occupancy will be issued only after affidavits or other competent evidence is submitted to the Building Inspector; that the completion of the construction is in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Occupancy.)

This certificate does not in any way relieve the owners, or any other person or persons in possession or control of the premises, building or any part thereof, from obtaining such other permits or licenses as may be prescribed by law for the uses or purposes for which the building or premises is designed or intended; nor from complying with any lawful order issued with the object of maintaining the premises or building in a safe or lawful condition.

No change or re-arrangement in the structural parts of the building, or in the exit facilities, shall be made and no enlargement, whether by extending on any side or by increasing in height shall be made, nor shall the building be moved from one location to another, until a permit to accomplish such change has been obtained from the Building Inspector.

This certificate supercedes each and every previously issued certificate of occupancy for these premises or this building or any part thereof and each and every such previously issued certificate shall be null and void; and this certificate in turn becomes null and void upon the issuance of a new lawful certificate.



the variances requested are granted, subject to the following conditions. 1) New property line be drawn 70' from and parallel to the division line between Lot #25 and #26 as shown on the survey presented at the meeting. 2) The existing guest house and garage must be removed in their entirety. 3) Minimum side yard must be 12' total side yard 25'. 4) The side yard variance is for the existing improved property.

RESOLUTION BY CHAIRMAN TO FOLLOW

R. D'ALVIA FOR WM PALMER 18 Ridge Rd., Sec 15, B1 175, Lot 23 request for variance for existing deck.

Mr. D'Alvia said that Palmer purchased the house in 1972. Shortly thereafter contracted for deck. Through an error on part of builder, deck was built almost to the property line. It cost \$3,000 6 years ago. Would cost \$3,000 to change it. He said the practical difficulty is the cost involved in removing the porch and building it elsewhere. He said granting this would not result in increased density or burden on government facilities. Mr. Tully said that a variance was granted previously as to sideyards.

ROBERT SCOTT, Ridge Rd, neighbor, said that this is a charming, old area of Croton. He did not object to the original variance allowing the building on an inadequate lot. He said it (the porch) offends as it extends beyond the house and he asks that the extension be removed. It will not be difficult to do this, and it is structurally possible. By granting the variance, board would be giving carte blanche to people who do this. Scott is asking that Palmer obey the law. He said Palmer acknowledged it was wrong and only after he planned to sell the house did he act. The value of Scott's property is diminished. Scott is the one being subjected to the hardship, not Palmer.

MOTION TO DENY BY GIBLIN, SECONDED BY BROCKENAUER. UNANIMOUS.

This is an application by Ray D'Alvia for Wm Palmer 18 Ridge Rd for variance for an existing deck. During discussion, it was brought out that the house was built with a variance, and that the deck was built to extend almost to the property line. Although the applicant claimed that it would be an economic hardship to remove the deck back to the house line, it was the feeling of the board that this was possible and economically feasible. It is the feeling of the board that the variance requested is excessive, and that the granting of it would have an adverse effect on existing properties. Therefore, the application is denied.

R. D'ALVIA FOR ROSLYN FONER, Mountain Trail, Sec 50 B1 243 Lots 6-9 request for variance for lot #9 as to square feet; width; 1 side yard; rear yard so that lot #9 can exist by itself and sell lots Nos. 6, 7, 8. Also variance regarding frontage upon an improved public street.

Mr. D'Alvia said this request is necessary as Lot #9 does not front on village road. Lots 6 & 7 have tennis court, 8 has a large house, 9 has a smaller building. He said it is difficult to sell property with two houses. If sold together, they would bring 40 to 45 thousand; if sold separately 55 to 60 thousand. There would be no increase in density. This presents a practical difficulty for his client.

Daniel Boone property adjacent to lot #9. He said there is a garage on #9 and a house on #8. He doesn't want to see 2 buildings on this lot. He said the Foner's are wealthy and he is sure will not live in a garage. He wants Lot #9 to have access from Lot #8 because of high elevation. Mr. Tully doesn't think the existing house on #8 would be conforming with this division. 25,000 s/f is required, this lot would have 17,000. Also Lot #8 would require a side yard variance.

Other neighbors spoke of the narrow road and the increase in density, and objected to the use of the 'garage' as living quarters.

MOTION TO DENY THE APPLICATION BY BROCKENAUER, SECOND MCGOWAN, ON THE BASIS THAT THE 8,000 s/f VARIANCE REQUESTED IS EXCESSIVE. UNANIMOUS.

RESOLUTION TO FOLLOW.

The Chairman noted that no one appeared on the Weinhold application.

166 Maple St. - Neighbor

James Ozturk, 166 Maple St. request for a 5' variance to the side yard requirements to construct a walkway to a rear deck.

Mr. Ozturk said the deck would go from the kitchen to the back yard, it is really a walkway to the back. It would require a 5' variance. One neighbor next door objected but it was pointed out that he has a variance for his deck.

MOTION TO GRANT THE VARIANCE REQUESTED MADE BY BROCKENAUER, SECONDED BY JAN BUESSEM. UNANIMOUS.

This is an application by James Ozturk, 166 Maple St. for a variance to construct a walkway from his kitchen to his back yard. It was the opinion of the board that the

9-13-78

1624 Maple  
(Neighbor)

June 11, 1970

Mr. Anthony DiLione  
164 Maple St.  
Croton on Hudson, N.Y.

Dear Mr. DiLeone:

Re: Sec. 42, Bl. 206, Lot 5  
Request for Variance To Erect a Deck

At its regular meeting on June 10, 1970, the Zoning Board of Appeals granted your request for variance to construct a deck which would not meet the setback for side yards. It was the opinion of the Board that this is the minimum variance which would enable the applicant to enjoy the use of his house and property.

Very truly yours,

Ruth Waitkins, Secretary  
Zoning Board of Appeals

cc Mr. Tully

OVER  
→

ANTHONY DILEONE, MAPLE ST., SEC. 42, Bl. 206, Lot 5, REQUEST FOR VARIANCE TO CON-  
STRUCT A DECK. GRANTED.

2 BA - 6/10/70

Mr. DiLeone said the deck would be about  $4\frac{1}{2}$ ' short of the side yard. He didn't realize he needed a permit. He is a bar manager, has lived in the house about 1 year, he has no back yard, and needs the deck to enjoy the outdoors. There are no objections from neighbors.

MOTION BY MRS. ADAMI, SECONDED BY MR. FERRIS TO APPROVE THIS REQUEST. UNANIMOUS.

This is an application by Mr. Anthony DiLeone for a variance permitting the construction of a deck having an insufficient side yard; the district in which this property is located requires a minimum 8' side yard with the addition the property would have a side yard of approximately  $3\frac{1}{2}$ '. The slope of the property is such that there is no other location on which the house could be enlarged or a deck added. The only possible inconvenience would be to the neighbor on the east side of the property and no objection has been received from that neighbor. Other houses on the road have similar decks and the applicant's deck would not change the appearance or general nature of the immediate neighborhood.

Accordingly, the Board finds that there is no public interest opposing the grant of this variance and that the applicant would suffer significant hardship were it to be denied. The variance the Board finds is the minimum that will enable the applicant to enjoy the use of his house and property. Accordingly, the variance is granted.