

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):

230-34

Description of variance requested:

existing side deck

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	8	4'-11"	3.1'
Total Side Yard	20	13'-9 1/4"	6.3'
Front Yard			
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:

(can use separate paper if necessary)

Have any previous area variance applications been made? ☒ yes ☐ no If so, give date: _____

Description of previous variance:

(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.

SALVATORE ALESSI

Applicant Name (please print)

[Signature]
Applicant's Signature

5/16/24
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: _____

Date: _____

- ☐ Approved
☐ Denied:

Decision Type: _____

Date: _____

- ☐ Approved
☐ Denied:

Fee: \$ 375⁰⁰

Date Paid: 5/14/24

Rec'd by: SC

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:**

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties:

The deck which requires the requested variances has existed for more than a decade, having been constructed in approximately 2011. Many of the contiguous properties, including 164 Maple Street, 166 Maple Street and 170 Maple Street also have similar decks, each of which required the granting of an area variance. Granting the requested variances to legalize the deck will result in no change or effect to either the character of the neighborhood or 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:

The applicant has come to the Zoning Board of Appeals to bring his property into conformity with zoning requirements. The only way for the applicants to do so without incurring significant costs would be to obtain the requested variances. If the variances were not granted, the deck would have to be at least partially fully demolished, resulting in significant damage to the applicant.

3. Whether the requested area variance is substantial:

The front of the deck encroaches into the required eight-foot side yard setback and would require both a side yard and total side yard variance in order to become legal. It requires a variance of 3.1 feet for the side yard setback and a variance of 6.3 feet for the twenty-foot total side yard setback requirement. While the requested variances are not insubstantial, it should be noted that the variances that were granted to the properties located at 164, 166 and 170 Maple Street were all larger than the side yard variance requested here.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:

As noted above, the deck at issue has been in existence for over ten years. Granting the variance will have no adverse effect or impact on the physical or environmental conditions in the neighborhood. It should also be noted that even if the board considers the application as though the deck was not currently in existence, i.e., as if it were pre-2011, the three closest properties to the applicant's house all had fully constructed decks at that time, each of which required a variance that had been granted almost forty years earlier. The equities would have favored Mr. Alessi's request had it been made at the time of construction.

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 variance:

It is obviously the case that whenever an applicant is seeking to legalize a pre-existing improvement, the alleged difficulty is self-created to a significant degree, but such a situation is hardly unique, and we ask the board for its understanding in this regard. The applicant is seeking the same relief from this board as his neighbors received from prior Zoning Boards. If the circumstances of this application were that Mr. Alessi was seeking the requested variance prior to constructing his deck, the fact that three of his closest neighbors had already received larger area variances for the construction of decks at their home would weigh heavily in his favor.

We thank the Board for its consideration.