

Village of



Croton-on-Hudson

Engineering Department
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One Van Wyck Street
Croton-on-Hudson, NY 10520-2501
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Zoning Board of Appeals **Application (ZBA)**

(Form # Eng-§230-160)

(Revised 05 2024)

Application Date: 9-9-24

Application #: 20220559

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: 79.13 Block: 10 Lot: 43

Property Location (street address): 98 HASTINGS AVE, CROTON, NY 10520

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: SNILSBERG First Name: THOR MI: J

Company: _____

Address: 98 HASTINGS AVE, CROTON, NY 10520

Address: _____

Phone #: _____ Cell #: [REDACTED] E-mail: [REDACTED]

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. Please note the application **fee is non-refundable** even in the event the application is withdrawn.
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

Description of variance requested:

THE PROPOSED EXTENSION OF EXISTING PORCH WILL EXTEND INTO THE NW SIDEYARD SETBACK 1 FOOT. THE TOTAL WIDTH OF THE PROPOSED PORCH EXTENSIONS WILL ENCROACH ON THE TOTAL SIDEYARD REQUIREMENT OF 20 FEET BY 2.2 FEET - REQUIRING ANOTHER VARIANCE OF THE TOTAL SIDEYARD SETBACK REQUIREMENT.

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	<u>8 feet</u>	<u>7 feet</u>	<u>1 foot</u>
Total Side Yard	<u>20 feet</u>	<u>17.8 feet</u>	<u>2.2 FOOT</u>
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.

Please provide a detailed response to all five factors above:

① THE LARGER PORCH WILL ADD FUNCTIONALITY TO ENTRY AND NOT CREATE AN UNDESIRABLE CHANGE TO THE NEIGHBORHOOD. ② THE FORMER DUPLEX HAD PORCH DESIGN THAT DID NOT COVER ENTRANCES. ③ THE REQUESTED VARIANCES ARE MINOR AND DO NOT EXTEND PAST THE EXISTING DWELLING. ④ THE PORCH EXTENSIONS ARE MINOR AND ONLY REQUIRE TWO SMALL FOOTINGS AND SHALL NOT HAVE AN ADVERSE EFFECT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS OF NEIGHBORHOOD ⑤ EXISTING PORCH WAS BL DUPLEX - THE DIFFICULTY IS NOT SELF CREATED.

(can use separate paper if necessary)

Have any previous area variance applications been made?

☒ yes

☐ no

If so, give date: 10-12-22

Description of previous variance:

THE EXACT SAME VARIANCE REQUEST WAS MADE ON OUR BEHALF
BY AN ARCHITECT, JOHN POWER. THE VARIANCE REQUEST WAS GRANTED
10-12-22. WE DID NOT PROCEED W/ CONSTRUCTION AND ARE FILING
THE EXACT SAME VARIANCE AS 2022.

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):

(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.

Thor Spisberg
Applicant's Name (please print)The Spisberg
Applicant's Signature9-9-24
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☐ Denied

Fee: \$ 375.00 Date paid: 9/9/24 Rec'd by: JC

RESOLUTION

NOTICE IS HEREBY GIVEN THAT; **Thor Snilesberg** has applied to the Zoning Board of Appeals of the Village of Croton-on-Hudson for a side yard variance and total side yard variance from Village Code Section 230-33A for a proposed extension of a front porch.

The property, at **98 Hastings Ave**, is located in a RA-5 Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 79.13 Block 3 Lot 5.

This proposed action is considered a Type II Action under the State Environmental Quality Review Act (SEQRA) therefore, no Negative Declaration is required.

A public hearing having been held after due notice, this Board, after reviewing the application and viewing the premises and neighborhood concerned, finds:

1. No undesirable change in the character of the neighborhood nor detriment to nearby properties will be produced by the granting of the variance.
2. The benefit sought by the applicant can be achieved by a method other than the requested variance; but would not achieve the desired outcome.
3. The requested variance is not substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
5. The difficulty alleged by the applicant was self-created.

NOW, THEREFORE, BE IT RESOLVED, that a side yard variance of 1'ft and total side yard variance of 2.2'ft for a proposed extension of a front porch be **GRANTED** subject to the following conditions, and further finds the variance granted herein is the minimum variance necessary and adequate.

Motion: Mr. Mastronardi

Second: Mr. Tuman

Vote: AYES 5 NAYS 0

Condition(s):

1. That, 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".
2. That, the variance is granted based on the plans and other documents submitted in support of the application.

10/12/2022

