

Village of



Croton-on-Hudson

Engineering Department
Stanley H. Kellerhouse Municipal Building
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: 9/30/24

Application #: 20240177

Type of Application: ☒ Area ☐ Special Permit ☐ Appeal ☐ Interpretation ☐ Use ☐ Variance

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: 78.8

Block: 3

Lot: 70

Property Location (street address): 9 Bank St

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: Heppner First Name: Nancy MI: _____

Company: _____

Address: 9 Bank St.

Address: Croton-on-Hudson NY

Phone: [REDACTED] #: [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 Please note the application **fee is non-refundable** even in the event the application is withdrawn.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): 230-40 (G) (1)

Description of variance requested:

Extend deck towards existing retaining wall

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	<u>5'</u>	<u>3.3'</u>	<u>1.7'</u>
Total Side Yard			
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:

SEE ATTACHED

(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. 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.

Nancy Heppner
Applicant's Name (please print)Nancy Heppner
Applicant's Signature

Date

9/30/24

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: _____

10/1/24

Rec'd by: _____

SC

Have any previous area variance applications been made?

☒ yes

☐ no

If so, give date:

5.9.24

Description of previous variance:

Resolution Attached

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:

Stefanie Correale

From: nheppner@aol.com
Sent: Monday, September 30, 2024 1:36 PM
To: Stefanie Correale; Ronald Wegner
Subject: Additional information for the NEW request for Variance - 9 Bank Street - Nancy Heppner

CAUTION: External sender.

Here are my FINAL answers to the 5 questions. I made some minor changes as discussed.

- 1) No, the project and the variance would produce absolutely no undesirable change in the character of the neighborhood, and be no detriment to nearby properties, because the new deck would be for personal use, completely within my backyard, which is quite private, and I intend it to be attractive. FYI - I'm a retired senior citizen and I live alone. I have good relationships with my neighbors. In addition, as seen from the aerial view photo, there are no homes on the portion of Farrington uphill from the side of my yard. There is a substantial distance and difference of elevation between the side of my property and the closest homes on Palmer whose back yards are on Farrington. There are also trees and greenery in between, making my yard barely visible from the sidewalk on Farrington.
- 2) No. The benefit that I seek is a deck with the best river view available to me within my backyard; while being fully compliant with the zoning codes. The spot that could best provide that river view would be from the far end of the new deck, elevated to the level of the existing back porch, and as close as feasible to the retaining wall. My yard is very small and moving the deck farther from the retaining wall would waste space, and mar the appearance of the entire backyard. Accordingly, I could not achieve that desired benefit without being closer than 5' from the side property line.
- 3) No, the requested area of the variance is not substantial. It is 1.7 feet.
- 4) No, the proposed project and variance will have absolutely no adverse effect or impact on the physical or environmental conditions in the neighborhood or district. As noted above, the new deck would be for personal use, completely within my backyard, which is quite private, and I intend it to be attractive.
- 5) I am grateful to the board for approving the rear yard variance for this project on May 9, 2024, and apologize that through oversight the need for this side yard variance was not identified in time to have been combined with that previous variance request. That being said the initial "alleged" difficulty which the variance could resolve was not self-created. As you can see from the survey, my lot and my backyard are quite small. The 2nd photo below shows that the view from my backyard is limited by trees and buildings between me and the river. I have no control over those obstacles; but there is a "sweet spot" in my yard with a fairly nice view. I have owned my home for almost 30 years, and have not previously made changes that impact this project or reduced my river view. However the current need for this variance has been dramatically exacerbated by the fact that the work on this project was begun by my contractor's crew on September 24, 2024 with the holes for the moorings being completed too close to the property line to comply with the code. Moving them would result in dramatic financial hardship.

Thank you,
Nancy Heppner

RESOLUTION

NOTICE IS HEREBY GIVEN THAT, *Heppner, Nancy-Owner*, has applied to the Zoning Board of Appeals of the Village of Croton-on-Hudson for a rear yard variance for an existing small lot from Village Zoning Code Section 230-40(G)(2) for a proposed rear deck. The property, **9 Bank Street** is located in a RB 2-Family Residential District and is designated on the Tax Maps of the Village of Croton-on-Hudson as Section 78.8 Block 3 Lot 70.

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 cannot be achieved by a method other than the requested variance.
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 rear yard variance of 7'ft for a rear deck on an existing small lot be **GRANTED** subject to the following conditions, and further finds the variance granted herein is the minimum variance necessary and adequate.

Motion: Mr. Tuman

Second: Chairperson Wagner

Vote: AYES 4 NAYS 0 (Mr. Olcott, absent)

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.

5/9/24



Village of Croton-on-Hudson, New York

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NY 10520

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RICHARD F. HERBEK

Treasurer
RICHARD J. CAMPBELL

Attorney
SEYMOUR M. WALDMAN

Engineer
PHILIP A. TULLY, P.E., C.P.C.A.
271-4783

September 24, 1991

TO WHOM IT MAY CONCERN:

Re: Sec. 28 Block 213 Lot 42
9 Bank Street

Please be advised that our records indicate that the original improvements to the above-captioned premises were constructed in 1892 or thereabout prior to the adoption of Village zoning regulations (effective July 28, 1931). Consequently, no Certificate of Occupancy for the original improvements was issued, or required, **and this letter will serve in lieu thereof.** Any non-conformities of the original improvements with respect to current bulk and parking regulations are to be considered legally non-conforming.

Be further advised that the existing One-Family Use is a permitted use in the RB Two-Family Residence District in which located.

ssy
predate


Philip A. Tully, P.E.
Village Engineer