

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)

SEP 13 2024

Engineers Office

(Revised 05 2024)

Application Date: 9/3/24

Application #: 20240452

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

NYS SEOR (§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: 18.8 Block: 7 Lot: 38

Property Location (street address): 36 Wells Ave

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: Boulos First Name: Giacinta MI: _____

Company: _____

Address: 36 Wells Ave

Address: Croton-on-Hudson, NY 10520

Phone #: _____ Cell #: _____ E-mail: _____

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 Please note the application **fee is non-refundable** even in the event the application is withdrawn.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(H) (1)

Description of variance requested:

To keep existing 6' fence (runs only along side of property) now to 1d (due to complaint) that ~12' of it is considered to be in "Front Yard". I inquired several times about rules to put fence along side of property and never told that part of the "side" is considered "The fences or walls not over 6' in height (can use separate paper if necessary) by be erected anywhere on property except in a front yard" ← This is very misleading

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard			
Total Side Yard			
Front Yard	4' max height fence	6' Height (side only)	Keep remaining 6' Fence (on S
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:

(can use separate paper if necessary)

Have any previous area variance applications been made?
Description of previous variance:

☐ yes ☒ no If so, give date: _____

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.

Gracinta Bowlos

Applicant's Name (please print)

Gracinta Bowlos

Applicant's Signature

Date

9/3/24

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☐ DeniedFee: \$ 100.00Date paid: 9/3/24Rec'd by: SC

ZBA for fence variance (answers to questions)

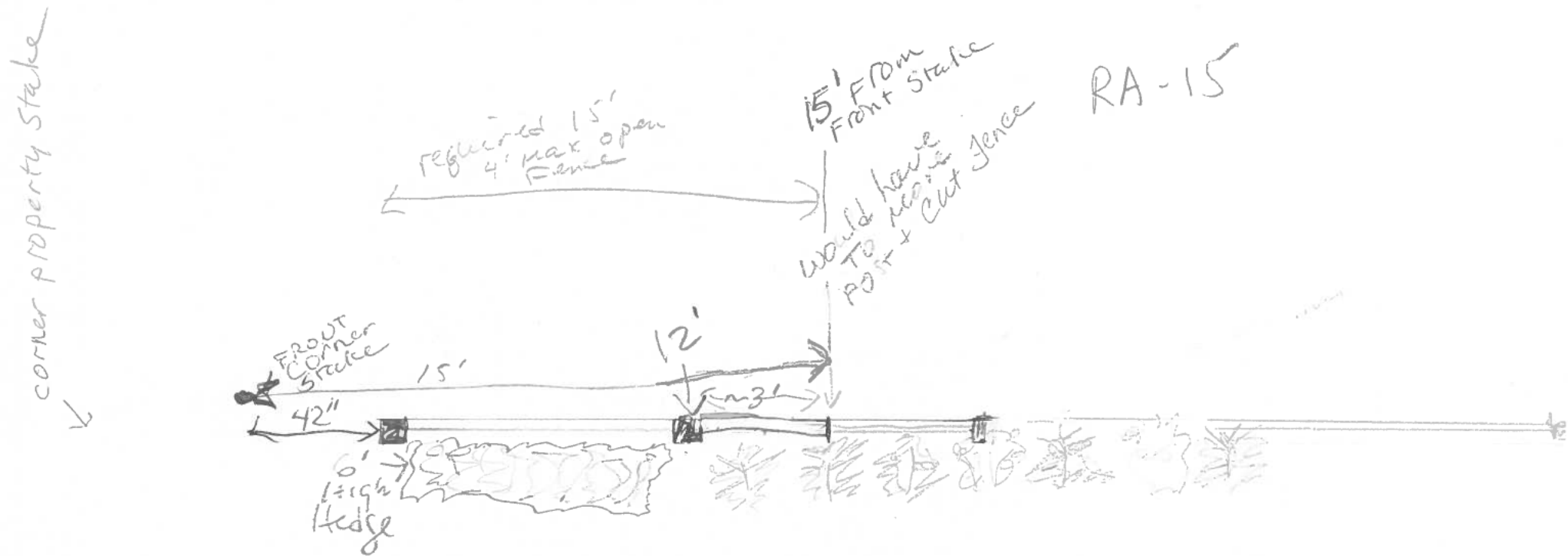
1. I don't feel this fence in any way creates any undesirable change in the character of the neighborhood or detriment to nearby properties. It is a standard fence. In fact, I would say speaking aesthetically, to remove the section in question, and replace with a 4' fence, would look quite strange and not at all desirable.
2. It took quite some time for me to finally decide to put up a fence. I first felt the need to do this several years ago as there has been an ongoing issue with neighbor regarding trespassing and cutting trees which were on my property and ultimately became quite contentious and at one point somewhat aggressive during pandemic while I was battling cancer and going through chemotherapy. It was at this point that I began feeling uncomfortable to go outside in my own back and front yard and felt it would be the best option and the best thing for me to do to feel more at peace on my own property. I then did my due diligence, looked up the fence code online and based on the wording "fences or walls not over 6' in height may be erected ***"anywhere on lot except front yard"***". Now to me, and I would think to many others, would read that as "anywhere but front line of property" Just to be sure, I called the village office to double check the rules and regulations to be certain I would not run into any problems, and basically told the same thing, but no one ever mentioned that part of the "side yard" is consider the "front yard". So, after getting the property line staked, I went forward, in good faith that I was following all the rules.
3. I do not feel the requested area for variance in substantial at all. The fence starts 9.5ft from street, 3.5 ft from corner property stake. What I have since learned is that the zoning here is a setback of 15ft (RA-5 zone) as told to me by Ron Wegner, who personally came to property. He measured from corner stake and showed the area in question would be 11.5ft...which would be 1 full fence panel + a 3.5 section of the next (each fence panel is 8ft wide)
4. I do not see how in any way this would have and adverse effect or impact on any physical or environmental conditions in the neighborhood, it is a plain, standard fence on level ground. It does not interfere in any way with sight lines on road or coming out of driveway, any more that it did before as there is a 6ft high hedge that was there before and still there, now in front of fence. Furthermore, I feel aesthetically, would look

terrible to replace this portion of fence with something different, It would look quite awkward. However, for me, this would make a difference in the comfort and peace of mind that fence has given me since I put it up. It has the "cocooning" effect I was looking for and I no longer have to worry about my trees being cut

5. I am not sure how to answer whether the "alleged difficulty" was "self-created." Yes, I installed the fence, unknowingly, partly in violation of the code, but did so in good faith that I was following all the rules.
6. I am respectfully requesting that the fence can remain as is for all the above stated reasons. If for some reason you feel that you are inclined to deny this request. I would ask that you would at least consider change to just one section of the fence, otherwise it would entail, cutting a portion of second panel and placing another post for which I would incur more cost to do so.

36 Wells Avenue





Asking Variance for entire 15' (only 12' 6" of fence)
 if not amenable to this
 Ask for at least 3', so AS
 Not to require cutting fence
 panel and adding additional
 post