

**VILLAGE OF CROTON-ON-HUDSON
DRAFT MINUTES OF THE ZONING BOARD OF APPEALS
TUESDAY, SEPTEMBER 24, 2024**

PRESENT: Jim Tuman, Acting Chairperson
Daron Weber
Rocco Mastronardi

ABSENT: Christine Wagner, Chairperson
Doug Olcott

ALSO PRESENT: Ron Wegner, Assistant Village Engineer, PE

1. CALL TO ORDER

Acting Chairperson Tuman called the Zoning Board of Appeals Meeting to order on Tuesday, September 24, 2024 at 7:03 pm.

Mr. Tuman stated that there were only 3 out of 5 Board members present and it would take all 3 members to vote yes to grant a requested variance therefore applicants at any point could choose to withdraw their application and return to meeting with a full Board.

2. NEW BUSINESS

a) Roane, Lewis, Architect & applicant for Peter & Olivia Powchik, owners -17 Georgia Lane- Located in the RA-40 1-Family Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 68.10 Block 2 Lot 5. Request for a front yard variance from Village Zoning Code Section 230-40(B) & 230-33(A) for a proposed detached carport in a front yard.

PRESENT: Lewis Roane, Architect

Mr. Roane stated he was present, representing his clients, Peter and Olivia Powchik to request a variance to allow for the construction of a carport in a front yard where the Powchiks already have 2 existing parking spots off of their driveway. Mr. Roane stated that a portion of the carport would be visible from the street but would be set back enough and uphill a bit to where it would not be obtrusive. Mr. Roane

described the design of the carport as a single sloped roof where it would be high in front and low in the back and open on all sides. Mr. Roane referenced the provided pictures in the application, showing the relatively open lattice. Mr. Roane pointed out that on page S1 in pictures #3 and #4 was a car parked in the spot where the carport would be located. Mr. Roane stated that the setback was about 34 feet from the street. Mr. Roane stated that they were not increasing the impervious area too much and were really looking to work with what was existing.

The Board asked Mr. Roane what the other carport location options were. Mr. Roane stated there were limited options because there is a pool in the backyard and an existing garage at the house therefore the proposed carport location out front makes the most sense. The Board asked that applicant if his clients would have wanted the carport located closer to the house. Mr. Roane responded it was not a possibility because the septic fields were located in the front yard therefore it wasn't possible to move the carport back closer to the house.

The Board clarified the variance was for a structure in front of the house. Mr. Wegner, Assistant Village Engineer explained that there were two variances being requested by Mr. Roane. Mr. Wegner explained there was a 50'ft front yard setback and for an accessory structure in front of the primary structure.

With no further questions from the Board, Acting Chairperson Tuman opened the public hearing. With no one being heard, the public hearing was closed.

The Board discussed the application and agreed that the carport had a tasteful design, was not obtrusive as it would be an open structure and that the roofline would not bleed into the view of the house. The Board then noted there was neighbor support and no opposition to the proposed project. The Board also agreed that the proposed location made the most sense as it is an already paved area, and there were no other feasible locations for the carport due to the pool and septic fields.

The Board reviewed the five factors and determined:

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 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.

MOTION: Mr. Mastronardi made a motion to grant a front yard variance of 18'ft for a carport in a front yard and nearer to the street than the primary structure. Seconded by Mr. Weber. The motion was carried by a vote of 3-0. All in favor. Roll call: Mr. Mastronardi, yes, Mr. Weber, yes, Mr. Tuman, yes (Chairperson Wagner, absent; Mr. Olcott, absent).

b) Lindholm, Aron, owner-153 Grand Street-Located in the RB 2-Family Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 67.20 Block 3 Lots 12 & 13. Request for rear yard variances from Village Zoning Code Section 230-40A(1)(B) for an existing detached garage.

PRESENT: Aron Lindholm, owner
Diana Kolev, attorney

Mr. Lindholm introduced himself to the Board as the property owner. Ms. Kolev then introduced herself as Mr. Lindholm's attorney and representative. Ms. Kolev gave a brief overview of the application stating that they were requesting to legalize an existing, detached garage that had been on the property for over 90 years. Ms. Kolev stated that the variance request is very small on one side elaborating that the standard setback requirement for an accessory structure was 5'ft from a property line and that as the garage as it exists on the South side is set 4.28'ft from the property line and on the North side the garage is 1.79'ft from the property line. Ms. Kolev referenced the provided survey indicating that the garage is located at the back of the property. Ms. Kolev shared that the neighbor closest to the garage provided a letter of support as well as 2 additional neighbors of Mr. Lindholm's located on Bayview Terrace. The Board stated they had received the letters from 1, 2, and 3 Bayview Terrace.

Ms. Kolev addressed the 5 Factors stating that the garage had existed in the same spot for over 90 years and therefore would not negatively impact nearby properties. Ms. Kolev reiterated that there was neighbor support for the garage to remain on the property. Ms. Kolev stated it would be a significant hardship for her client to remove the shed. Ms. Kolev stated that her client was in the process of selling his home which was how the setback issue and legalization of the garage came to their attention. Ms. Kolev explained that no previous title searches had picked up on the issue before but it arose during the latest title search and that the sale of the property had been delayed due to this issue. Ms. Kolev stated it was not a substantial request, rather the requests were for minor variances from the 5'ft setback requirement. Ms. Kolev added that the difficulty was not self-created as the garage existed on the property before her client's purchasing of the property and that a permit was pulled in 1932 to construct the garage but a certificate of occupancy was never issued and the setback issues were never addressed at the time of construction.

The Board asked for a description of the images provided to the Board. Ms. Kolev explained they were looking at Grand Street from an aerial view and that Mr. Lindholm's property consisted of 2 lots and the garage was located in the back of the lot that swings around. Mr. Wegner, Assistant Village Engineer, helped to explain the location of the garage door. Ms. Kolev stated that 153 Grand Street was granted an easement over the driveway (it is a shared driveway) and that there were no setback issues with the driveway. The Board reviewed the distances of the garage to the property lines. Ms. Kolev stated that it was almost compliant.

The Board asked what was located at the rear of the property where the bigger variance is needed (if Grand Street was considered the front of the property). Ms. Kolev stated it was the neighbor (a house) at 1 Bayview Terrace who provided a letter of support.

The Board asked Mr. Wegner to explain why the variance was now needed. Mr. Wegner stated that during the application process to legalize the garage it was discovered that variances would be required to complete the legalization process in addition to issuing a certificate of occupancy. It was stated that Mr. Lindholm owned the property since 2008 and the garage was used to house a car. The Board asked Mr. Wegner if he knew what the height of the garage was. Mr. Wegner stated that he was not certain but in looking at the garage it did not look like it was 15'ft in height. Mr. Lindholm stated that the garage had a low interior roof.

With no further questions from the Board, Acting Chairperson Tuman opened the public hearing and with no one being heard, the public hearing was closed.

The Board discussed the application and request, noting that this application fell into the category of similar applications in which the situation for applicants were the same to legalize pre-existing construction. The Board discussed and agreed that they did not see an issue with the granting of the variances as the garage had existed on the property for over 90 years and there was neighbor support.

The Board then reviewed the five factors and determined:

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 not self-created.

MOTION: Mr. Weber made a motion to grant a South side yard variance of 0.72'ft and a North side yard variance of 3.21'ft for an existing detached garage. Seconded by Mr. Mastronardi. The motion was carried by a vote of 3-0. All in favor. Roll call: Mr. Weber, yes, Mr. Mastronardi, yes, Mr. Tuman, yes (Chairperson Wagner, absent, Mr. Olcott, absent).

3. APPROVAL OF MINUTES

Due to Chairperson Wagner's, absence, the approval of the Minutes of July 11, 2024 was postponed to next month's meeting,

4. ADJOURNMENT

There being no further business to come before the Board, the meeting was duly adjourned at 7:30 p.m.

Respectfully Submitted By,
Stefanie Correale
Secretary to the Zoning Board of Appeals