

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)

RECEIVED
JAN 24 2025

(Form # Eng-§230-160)

Engineers Office

(Revised 05 2024)

Application Date: 1/20/2025

Application #: 20250025

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: 68.17

Block: 1

Lot: 13

Property Location (street address): 20 Mount Airy Road, Croton on Hudson

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: Kirschner First Name: Rachel MI: E

Company: _____

Address: 20 Mount Airy Road

Address: Croton on Hudson, NY 10520

Phone #: [REDACTED] 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 Please note the application **fee is non-refundable** even in the event the application is withdrawn.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): 230-40H (2)

Description of variance requested:

Due to the slope of the yard, my 6 foot tall fence needs to be installed in a step-style manner.

As such, with each panel in the run, the portion touching the ground is at 6 feet, but the other side of the panel sits between 6'6" to 7' in some instances.

The fence cannot be installed in any other manner on this slope as the panels are rectangular and the slope is too steep.

To offset the impact of the step-style installation, the top 12" of the fence are slatted to allow for open air/sight lines.

We have also taken steps to bury one edge of each panel where possible, cut panels in half to minimize step height, or remove a horizontal slat when the slope is steep.

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	_____	_____	_____
Total Side Yard	_____	_____	_____
Front Yard	_____	_____	_____
Rear Yard	_____	_____	_____
Fence Height	6'ft	6.5 to 7.0ft	0.5 to 1ft in Specific Areas Panels
_____	_____	_____	_____
_____	_____	_____	_____

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. I have selected a fence where the top portion is slatted and has open areas that helps mitigate the height. It makes light, air and visibility possible (rendering the finished height of the solid fence closer to 5'.

2. This was not an intentional variance. Due to the slope severity, I cannot install the fence another way. My goal isn't to achieve more height, it was simply a misunderstanding on my part that the 6' fence couldn't be installed in this manner within code.

3. The area of impact is partial on each panel (as pictured), as is expected in this type of installation. Overall, it makes up about 30-50% of the fence run.

4. I do not believe there is an impact to the area. Wherever possible, we've made sure to keep the height to 6', the semi-private top section allows for visibility (no view obstruction) and movement of light/wind.

5. In doing research to purchase the fence, I took the code to mean a 6' fence can be installed - in any manner appropriate. In this case, it's 6' wherever possible.

The code states: "Fences or walls not over six feet in height may be erected anywhere on a lot except in a front yard." **see attached statement on page 5**

(can use separate paper if necessary)

Have any previous area variance applications been made?

☐ yes ☒ no If so, give date: _____

Description of previous variance:

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:

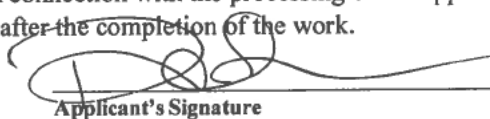
Answer Questions (1-5):

- | | |
|--|---|
| 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.

Rachel Kirschner

Applicant's Name (please print)



Applicant's Signature

7/1/2024

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: \$

150.00

Date paid:

1/24/25

Rec'd by:

JK

Rachel Kirschner
20 Mount Airy Road
Croton on Hudson, NY
10520

Attached Statement

To Whom it May Concern,

Before embarking on the fencing project, I read all of the code and regulation information. I understood that (1) as long as I'm within my property line, (2) using a 6' fence or less, and (3) not in the front yard, a permit is not required. With that said, due to the extreme slope in the back yard, I have to do a step-up/step-down style installation. I checked the code and regulations again, and there was nothing that stated that the method of installation would impact the "measured" height of the fence. I also selected a fence style where the top 12" of the panels are slotted partially open (easily seen through and considered semi-private).

As the height concern was raised by one of my two neighbors, (the other felt that the step-style installation does not impact the "measured" height of the fence) I have decided to apply for a variance in any case. My intention is to follow all requirements and do things the right way, and I was unaware that the installation of a 6' fence in the required manner could negate meeting the code/regulations.

I appreciate your consideration,
Rachel