



Village of **Croton-on-Hudson**
 Engineering Department **Engineers Office**
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Received

SEP 10 2025

Zoning Board of Appeals
Application (ZBA)

(Form # Eng-§230-160)

(Revised 05 2024)

Application Date: 9/9/2025

Application #: 20250540

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: 79.9 Block: 2 Lot: 23
 Property Location (street address): 19 Irving Avenue

- 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: Arnow First Name: Joseph MI: _____

Company: Joseph Arnow AIA, Architect

Address: 12 Glengary Road, Croton-on-Hudson, NY 10520

Address: _____

Phone #: [REDACTED] Cell #: [REDACTED] E-mail: jarnow@josepharnowarchitect.com

Property Owner: Same As Above

Last Name: Overmyer First Name: Peter and Lisa MI: _____

Company: _____

Address: 19 Irving Avenue, Croton-on-Hudson, NY 10520

Address: _____

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

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 Please note the application **fee is non-refundable** even in the event the application is withdrawn.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

I. Area Variances

Village Code Section(s): 230-33A ; 230-40A(1)(b)

Description of variance requested:

The original building was presumably built shortly after a building permit issued in 1950. It was located in District C which is now RA-5. Per the 1967 survey, the existing Front Setback is not in conformance by only 2 inches with the current Zoning code and the 1931 Zoning Code. The existing East Side Setback is not in conformance with the current Zoning Code and the 1931 Zoning Code, both only due to the chimney bump out (the 1931 Code permitted an 18" encroachment for the chimney - the existing chimney encroaches 25"). The Total Side Yard Setback is not in conformance with the current Zoning Code (1931 Zoning Code did not have a Total Side Yard requirement.) The current building is a partial two (2) story building (originally a 1.5 story, a rear shed dormer for a partial 2nd story was added by permit in 1989). The applicant proposes a front addition and a full 2nd story and attic added to the house, all of which would conform to existing side setbacks and the existing front setback minus 1/2". Additionally, the applicant proposes to build a detached carport on the West side of the building and requests a variance from 230-40 A.1(b) to bring the carport roof edge to the West property line. (A front portico and rear yard shed replacement are also proposed that would both conform with the current Zoning Code.)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	8'	6'-0 1/2" to Chimney (Same as existing)	1'-11 1/2" variance due to existing chimney (Same as existing)
Total Side Yard	20'	16'-11 1/2" (Same as existing)	3'-0 1/2" (Same as existing)
Front Yard	15'	14'-9 1/2" (1/2" less than existing)	2 1/2" (1/2" more than existing)
Rear Yard			
Accessory (Carport) Side Yard	5'	0"	5'

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. There are several 2 story homes in the vicinity of the property. Regarding the proposed carport, the neighboring house at 80 Radnor Avenue is far away (approximately 45 feet) from the shared property line and has a high 8'-0" fence separating the properties. The carport would be open on all sides and set back from the front of the house. No undesirable change in the character of the neighborhood or detriment to nearby properties will occur.
2. A 2nd story addition resting on the existing 1st story walls is the most efficient method structurally. Shifting 2nd floor exterior walls to compliant setbacks would involve significant structural modifications & would not provide sufficient area for the program. Regarding the carport, many of the nearby houses are split-level with basement garages that allow cars to be protected close to the street. The subject home is not split level and does not have sufficient side clearance per zoning for a protected area for a car with similar proximity to the street. For the expansion and carport, a variance would be necessary.
3. The request area variance is substantial.
4. There will be no adverse effect or impact on the environmental conditions in the neighborhood or district. The carport roof gutters would catch rainfall.
5. The difficulty is self-created.

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: _____

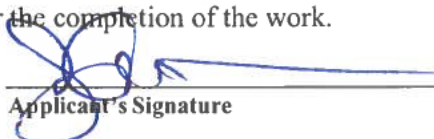
Description of previous use variance:

Answer Questions (1-5):

- | | | |
|--|---|---|
| 1. I have submitted required number of copies + documentation. | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no |
| 2. Drawings, elevation plans & surveys have been submitted | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no |
| 3. All required application information has been provided | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no |
| 4. Proof of ownership, if applicable, has been provided | <input type="checkbox"/> yes | <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A |
| 5. Digital files of all documentation have been submitted | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> 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.

JOSEPH ARNOW
Applicant's Name (please print)


Applicant's Signature

9-9-2025
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: 9/10/25 Rec'd by: sc

zero balance check 9/10/25