



Village of **Croton-on-Hudson**

Engineering Department
Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520-2501
Tel: 914-271-4783
engineering@crotononhudson-ny.gov

Zoning Board of Appeals Application (ZBA)

(Form # Eng-\$230-160)
AUG 29 2025

Engineers Office

(Revised 05 2024)

Application Date: 8/27/25

Application #: 20250515

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: 79.13 Block: 3 Lot: 47
Property Location (street address): 41 Whelan Ave, Croton on Hudson, NY 10520

- 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: Logiudici First Name: Raymond MI: _____
Company: _____
Address: 41 Whelan Ave
Address: Croton on Hudson, NY 10520
Phone #: 914-271-0072 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 Please note the application **fee is non-refundable** even in the event the application is withdrawn.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 4th Tuesday of the month at 7:00PM (no August meeting).
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): _____

Description of variance requested:

Construct wood shed in back corner of side yard at a 2' setback from property line instead of 5' setback allowing us to use existing concrete pad that current shed is on.

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	5'	1.3'	3.7'
Total Side Yard			
Front Yard			
Rear Yard	5'	0.5'	4.5'

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:

See attached letter

(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?
Description of previous special permit:

yes no If so, give date: _____

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.

Raymond LeGiudici
Applicant's Name (please print)

Raymond LeGiudici
Applicant's Signature

8/29/25
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: sc

Rec'd by: 8/29/25

41 Whelan Ave.
Croton on Hudson, NY 10520
August 28, 2025

Received
AUG 29 2025
Engineers Office

Zoning Board of Appeals
Village of Croton on Hudson
1 Van Wyck St.
Croton on Hudson, NY 10520

Re: Variance application for 41 Whelan Ave.

Dear Zoning Board:

Please consider my application for a variance for the placement of a concrete pad and shed in the back corner of my yard at 41 Whelan Ave. We are replacing the current vinyl 8' x 10' shed with a wood 10' x 12' shed. We wish to utilize and add on to the current concrete pad that already exists on the property.

The following addresses the five factors on the ZBA application:

1: The requested variance will not produce an undesirable change in the character of the neighborhood. The proposed improvement is consistent with the style, scale, and use of nearby properties. It will not negatively affect adjoining properties in any way and my neighbors have been informed of the proposed change and have no issues with the plan. The variance requested is the minimum necessary to allow reasonable use of the property.

2: While it would be feasible to completely tear up the existing concrete pad and have a new one installed, it would greatly increase the cost of the project and would provide no additional benefits to the neighbors and the character of the neighborhood.

3: The requested variance is not substantial. The current setback of shed and pad is 2', as opposed to 5'. Granting this variance will not significantly impact neighbors or change the character of the neighborhood.

4: The proposed variance will not create any adverse effect or impact on the physical or environmental conditions in the neighborhood. In fact, the new shed will be much more aesthetically appealing than the old one.

5: The alleged difficulty was self-created, as the vinyl shed was placed on this concrete pad 20 years ago in my ignorance of the setback regulation and by a contractor who failed to inform me of the setback regulation.

Thank you for your consideration of this application.

Sincerely,
Raymond LoGiudici

... / Outdoor Storage / Sheds / Wood Sheds / Handy Home Products Wood Sheds

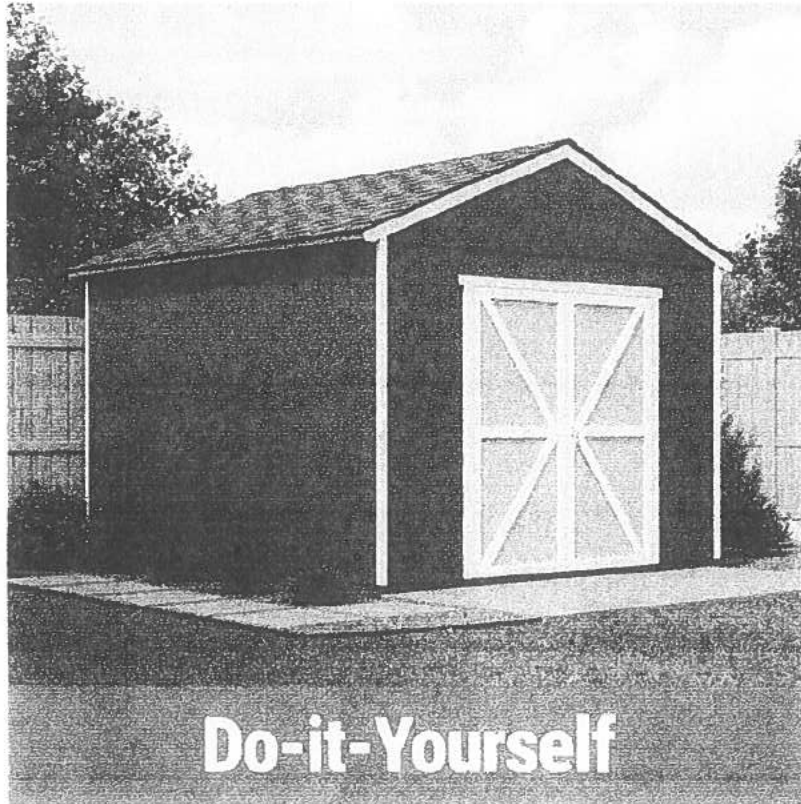
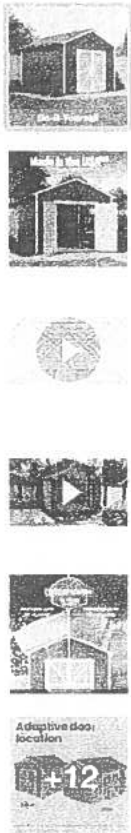
Internet # 315698520 Model # 19431-3

Labor Day Savings

Handy Home Products

Do-it Yourself Rookwood 10 ft. x 12 ft. Backyard Wood Storage with Smartside and Floor system Included (120 sq. ft.)

★★★★★ (87) [Questions & Answers \(48\)](#)



Do-it-Yourself

Hover Image to Zoom

 Share  Print

SHOP LABOR DAY SAVINGS

Limit 5 per order

SPECIAL BUY \$2,561.47



FINAL

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ZBA Minutes
6/19/96

Sapir - Are there any other questions?

There was no reply.

The hearing was closed.

Stephens Made Motion that a variance of 2.5 ft. be granted to meet total side yard requirement.

Reisner - Second the Motion

Vote: 5-0 Stephens, Reisner, Sapir, Waitkins, Frishberg

Marsha Kressin, Esq. for Robert and May McDonnell, 41 Whelan Ave., Section 79.13 Block 3 Lot 47. Request for minimum side yard setback.

Kressin - The house was built in 1947 and the side yard does not meet the 8 ft. requirement. Our request is for a 5 inch variance to meet the requirements for minimum side yard setback.

Sapir - asked if there were any other questions.

There was no reply.

The hearing was closed.

Frishberg - Made Motion to grant a variance of 5 inches.

Waitkins - Second the Motion

Vote: 5-0 Frishberg, Waitkins, Sapir, Stephens, Reisner

Ilyana Adams, 142 Old Post Road North, Section 67.19 Block 2 Lot 11. Request for front yard and side yard setbacks.

Adams - Stated that her request was for front yard and side yard setbacks.

Adams - Stated that she is a sculptor and the additional space will allow her to work at her craft on the ground level. It will enable her to work on marble. All other areas in the house has

