

VILLAGE OF CROTON ON HUDSON ZONING BOARD OF APPEALS
MEETING MINUTES OF APRIL 7, 2009.

MEMBERS PRESENT: Rhoda Stephens, Acting Chairman
Doug Olcott
Alan Macdonald
Roseann Schuyler

MEMBERS ABSENT: Kathleen Riedy, Chairman

ALSO PRESENT: Joseph Sperber, Asst. Bldg. Inspector

Meeting came to order at 8:00 P.M.

Rhoda Stephens – Acting Chairman

Announcement of Fire exits to all in attendance of the meeting.

Approval of Minutes:

3/11/09 – Stephens – Made Motion to accept the minutes as submitted
Olcott – Second the Motion
Vote: 4-0 – Stephens, Olcott, Macdonald, Schuyler

HEARINGS:

Rogério Jost – 70 Truesdale Drive. Located in a RA-9 District and is designated on the Tax Maps of the Village as Section 79.09 Block 5 Lot 13. Request for a side yard variance and a front yard variance with respect to an accessory building that is located closer to the street than the principal building.

Schuyler – Before we start the hearing, I would like to inform everyone that I am a social acquaintance of the Jost's. However, I feel my relationship with the applicant will not prevent me from making an impartial decision in this matter.

Michael Kolk – I am the architect for the applicant and I will be representing the applicant this evening. This is a somewhat unusual property. It has two front yards. One is facing Truesdale Drive and the other faces Nordica. It is bisected by a retaining wall that subdivides the property into a lower and upper level. On the upper level it faces Truesdale and on the lower level there is a vertical elevation of 20 ft. On the Nordica Drive side of the property line there is a retaining wall that runs into the Mikado Inn

property. It is part of the continuation from the original Mikado Inn wall. The lower portion of the property is unimproved. There is no structure, no driveway or walkway. The upper level has a house and the history of this house is that it started out as a three car garage that was built in the early nineteenth hundreds and over the years it was converted into the residence. It has no basement. Currently there is a driveway to provide off street parking on the north edge of the property that is abutting the Mikado Inn. It is impractical to provide a garage. On the upper level there is no space for it. On the lower level they would have to destroy the stone wall on Nordica and it would be totally impractical. They would have to travel twenty feet up and down hill from the driveway to the house. We are proposing a carport where the driveway is now located. That is the least intrusive place. On the Mikado Inn side there is a sunken area and there will be no development in that open area at all. There is also an existing six foot high fence along the property line which appears to be right on the property line. The applicant wants a carport over the existing driveway to the existing retaining wall and to tuck it into the corner. The Zoning Code prohibits a building closer to the street than the principal residence. But there is no other way to provide a parking facility other than in this manner.

Stephens– What will be immediately behind the new garage? Is it a stone wall?

Mr. Kulk referred the Board to the plans and discussion followed over plans.

Mr. Kulk stated that the fence will stay and the proposed carport will go back as far as the existing driveway.

Schuyler – Will there still be access to the existing stairs that are there?

Kolk – Yes.

Kolk – We propose to push it back as far as possible. It would be impossible to do it any other way.

Discussion followed over plans.

Kolk– It will come out approximately 23 ft. from the property line.

Stephens – Questioned Mr. Sperber as to the need for a “front” yard setback.

Sperber – I do not think they need to be concerned about the front yard setback. That is only for the original structure. They only need the side yard setback and a front yard variance with respect to the accessory structure being located closer to the street than the primary building.

Kolk – Yes. I agree. I only wanted to show how it compared to the rest of the neighborhood.

Discussion followed over plans.

Kolk – There is an open courtyard that is sunken down.

Discussion followed over plans.

Kolk – The Zoning Regulations say that an accessory building has to be five feet from the property lines.

Sperber– I was just concerned that you said you were seeking a front yard setback also and you don't need that.

Stephens – It is only because it will be further forward than the main structure and because it is closer to the road. Correct?

Sperber – Yes.

Stephens – Will it interfere with anyone's vision while going up and down the street?

Kolk - Not at all. It will have absolutely no affect.

Macdonald – I see that these plans are not stamped and you are depicting the roof trusses as being it 4 ft. high. Is there a possibility that it will be 6 ft. high?

Kolk – Actually it is 11 ft. at the peak as it is proposed.

Stephens – (To Mr. Kolk) - If we were to make the 11 ft. height as part of our resolution would you approve?

Kolk – Yes.

Stephens – I suggest we say 12 ft. to be sure.

Kolk – If you were to say 12 ft. I would be comfortable with that.

Schuyler – You said there is no other place on the property to put a structure such as this?

Kolk – Correct.

Stephens– What is the elevation of the property in the back?

Kolk – It is a 20 ft. drop.

Stephens – With respect to hardship, what is your need to have it located in the proposed location?

Kolk – I think it is a real hardship to have to go up and down a 20 ft. slope.

Stephens – Right now there is no entry to Nordica Drive side of the property?

Kolk – No. Nothing. We would also like to submit to the Board seven or eight letters from neighbors who have indicated that they have no objection to this application.

Letters submitted for the record.

Stephens – Any other questions?

There was no reply.

Hearing closed.

Stephens – Made Motion to approve the application according to plans submitted for a 3 foot side yard variance and for a front yard variance with respect to Section 230-4 (B) of the Village Code that pertains to accessory buildings projecting nearer to the street than the principal building.

The applicant further agrees that the carport will not be higher than 12 ft.

Macdonald – Second the Motion

Vote: 4-0 – In Favor

Respectfully submitted,

Janice Fuentes
ZBA Secretary
4/7/09

RESOLUTION

Rogério Jost has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a side yard variance and a front yard variance with respect to an accessory building that is located closer to the street than the principal building.

The property, at 70 Truesdale Drive, is located in a RA-9, District and is designated on the Tax Maps of the Village as Section 79.09 Block 5 Lot 13.

A public hearing having been held after due notice, this Board from the application and after viewing the premises and neighborhood concerned, finds:

There will be no undesirable change to the character of the neighborhood or detriment to nearby properties.

There were no objections from the neighbors. The applicant submitted 8 letters from neighbors stating they had no objections to the application.

The proposed variance will not have an adverse affect on the physical or environmental conditions of the neighborhood or district.

The hardship was not self-created as the property has existed this way for many years. There is no other way for the applicant to achieve the benefit the applicant seeks, due to the topography of the land.

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby **Granted** as follows:

Stephens – Made Motion to approve the application according to plans submitted for a 3 foot side yard variance for a front yard variance with respect to Section 230-40, A1b, B, of the Village Code that pertains to accessory buildings projecting nearer to the street than the principal building.

The applicant further agrees that the carport will not be higher than 12 ft.

Macdonald – Second the Motion

Vote: 4-0 – In Favor

4/7/09

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.