

VILLAGE OF MUNSEY PARK
BOARD OF APPEALS

BZA No. 306/2017

WHEREAS, Mr. & Mrs. Katsoulis, residing at 579 Hunt Lane, Manhasset, New York 11030, designated as Section 3, Block 118, Lot 16 on the Land and Tax map of Nassau County (hereinafter the 'Premises'), have appealed to the Board of Appeals for a variance from § 200-10(B), as amended by Local Law No. 4-1986, which requires that the aggregate width of the side yards be at least twenty-two feet (22') and that neither side yard shall be less than ten feet (10') in width. § 200-10(B), also states that a corner lot shall be deemed to have two side yards, neither of which shall be less than 10 feet in width.

WHEREAS, the applicant seeks a variance to construct a second story addition above the existing non-conforming garage on the west side of Hunt Lane, three hundred forty-five feet (345') north of Abbey Road, which would result in a setback of less than ten feet (10') and an aggregate of less than the required twenty-two feet (22');

WHEREAS, on September 18, 2017, at 7:00 p.m., after due notice, the Board of Appeals held a public hearing on said application, at which hearing any and all persons interested in that appeal were given an opportunity to appear and be heard;

WHEREAS, the applicants appeared in support of the application, together with the architect for the applicant Norman Galvas of Norman Galvas Architects. Additionally, two (2) letters in support of the application were provided to the Board and made part of the record; and no party appeared in opposition;

WHEREAS, Section 200-10(B), amended by L.L. No. 4-1986, requires that in in a 'Residence A District', which this property is, there shall be two side yards, extending the full depth of the lot, one on each side of the main building, the aggregate width of which shall be at

least 22 feet. Neither side yard shall be less than 10 feet in width. A corner lot shall be deemed to have two side yards, neither of which shall be less than 10 feet in width.

WHEREAS, the applicant seeks to construct a second story addition above the existing non-conforming garage, which would result in a setback of eight and one-tenth feet (8.1') and an aggregate of eighteen and nine-tenths feet (18.9'), in non-conformance with Section 200-10(B) of the Village Code.

WHEREAS, Village Law Section 7-712-b(3) requires that in making determination for an area variance, a zoning board of appeals 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 grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (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; and (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

NOW THEREFORE, the Board of Appeals finds that the benefit to the applicants from the granting of the variance, outweighs any potential detriment to the neighborhood or community. The Board finds no detriment to the community as the variance requested is *de minimis* in nature. Further, the Board finds that the non-conforming existing structure is not the result of the actions of the applicants; and with there being no proposed change in the existing footprint of the structure,

there will be no adverse effect upon the physical or environmental conditions in the neighborhood or district. The Board finds that the applicants have demonstrated good cause to grant a variance, have complied with the notice requirements of the Village and there was no objection from the community and two letters in support of the application; therefore

BE IT RESOLVED, that the application for a variance from Section 200-10(B) of the Village Code be, and hereby is, Granted.

The forgoing resolution was moved by Acting Chairperson Richard Susi and seconded by Member Tara Kirkwood, and adopted as follows:

Joseph Russo, Chairperson	-	Absent
Richard Susi, Acting Chairperson	-	Aye
Tara Kirkwood, Member	-	Aye
Bill Harvey, Member	-	Absent
Robert Farrer, Member	-	Aye

Richard Susi, Acting Chairperson

Dated: _____

Filed: _____