

VILLAGE OF MUNSEY PARK
BOARD OF APPEALS

BZA No. 309

WHEREAS, Mr. & Mrs. DiConza residing at 35 La Farge Lane, Manhasset, New York 11030, known as Section 3, Block 213, Lot 4 on the Tax Map of Nassau County (hereinafter the 'Premises'), have appealed to the Board of Appeals for a variance from Section 200-10(A), which requires, that there shall be a front yard of not less than twenty-eight (28') feet from the street line, and in the case of corner lots, the building structure must comply with the front yard restrictions on both street fronts, and that no building may be constructed closer to the street line than the average front setbacks of each of the abutting properties fronting on the same street.

WHEREAS, on May 21, 2018, 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 along with their architect, the Board was provided with proof of Notice, as required by the Code, and no party appeared in opposition; Emails purported to be from five (5) neighbors in the area were provided, all indicating that they had no objection to the request for an area variance.

WHEREAS, Section 200-10A, amended by Local Law No. 4 of 1989, requires that there shall be a front yard of not less than 28 feet from the street line, and in the case of corner lots, the building structure must comply with the front yard restrictions on both street fronts. No building may be constructed closer to the street line than the average front setbacks of each of the abutting properties fronting on the same street;

WHEREAS, in their application, the applicants request a variance for alterations to the premise, specifically to construct a additions to the existing residence, located on the northwest corner of LaFarge Lane and Bartlett Drive, which would result in a setback along the LaFarge frontage on the first story of twenty-eight and four tenths feet (28.4'), and on the second story of

twenty-six and fifty-seven one-hundredths feet (26.57'), where twenty-nine and one half (29.5') feet is required; and would result in a setback of thirty-four and one-half (34.5') feet along the Bartlett Drive frontage, where thirty-five feet is required.

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, that the Board of Appeals finds that the benefit to the applicant from the granting of the variance for the proposed alterations to the premise, outweighs any potential detriment to the neighborhood or community. The proposed alterations would not require a substantial variance, would not produce any undesirable change to the neighborhood or detriment to the nearby properties, will not have any negative impact on the physical or environmental conditions in the neighborhood. The Board finds that the proposed alterations along the LaFarge Lane frontage will maintain the existing non-conforming setback of the residence and the proposed alterations along the Bartlett Drive frontage is de minimis, as a setback of thirty-four and one-half (34.5') is proposed, where thirty-five feet is required. Additionally, as this is an existing non-conforming premise, a hardship exists that was not self-created by the applicant and that there is

no other reasonable means to accomplish the desired benefit that would not require an area variance; therefore

BE IT RESOLVED, that the application for a variance from Sections 200-10(A) of the Village Code be, and hereby is, granted. The forgoing resolution was moved by Member Kirkwood and seconded by Member Farrer, 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: _____