

VILLAGE OF MUNSEY PARK
BOARD OF APPEALS

BZA No. 311

WHEREAS, Mr. & Mrs. Cronin residing at 611 Hunt Lane, Manhasset, New York 11030, known as Section 3, Block 118, Lot 113 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, in part 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; and Section 200-11(E) which prohibits one-story porches or vestibules projecting into the front yard, more than five feet.

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 T. J. Costello, their architect, the Board was provided with proof of Notice, as required by the Code, and no party appeared in opposition;

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, Section 200-11, permits the following projections into the yards, required under § 200-10 hereof: (A) Cornices, eaves, gutters or chimneys projecting not more than 18 inches; (B) One-story bay windows or open balconies projecting not more than two feet; (C) Steps and terraces; (D) Private detached garages, only as a replacement for an existing garage, of the same size and shape and in the same location as the one replaced [Amended 8-9-1978 by L.L. No. 1-1978]; (E) One-story porches or vestibules which shall project into the front or rear yard only, not more than five feet.

WHEREAS, in their application, the applicants request a variance for alterations to the premise, specifically to construct a portico in the front of the yard along the Hunt Lane frontage, which would result in a front yard setback of approximately thirty-eight point eight feet (38.8') feet [with a forty-five point eight six (45.86') foot setback being required based on the average setbacks of the adjacent homes], and would project five point nine (5.9') feet into the front yard along the Hunt Lane frontage [in excess of the five (5) foot encroachment limit of § 211(E)].

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 to erect the proposed portico, outweighs any potential detriment to the neighborhood or community. The erection of the proposed portico 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 neighboring house, which was built in 1965, is a corner property with an unusually large setback and based upon the requirements of §200-11(E), creates a hardship for the Applicants. Additionally, the proposed portico will be setback in line with the existing front

wall of the home along the Hunt Lane frontage and will maintain the home's existing setback of thirty-eight point eight (38.8') feet.; be it further

BE IT RESOLVED, that the application for a variance from Sections 200-10A and 200-11 of the Village Code be, and hereby is, granted. The forgoing resolution was moved by Member Susi 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: _____