

VILLAGE OF MUNSEY PARK  
BOARD OF APPEALS

BZA No. 328/2023

WHEREAS, Mr. and Mrs. Manuel Khatchadourian, residing at 127 Revere Road, Manhasset, New York 11030, designated as Section 3, Block 115, Lot 13 on the Land and Tax map of Nassau County (hereinafter the ‘Premises’), have appealed to the Board of Appeals for a variance from §200-45, which provides that “the width or horizontal dimensions of driveways in Residence A and Residence B Districts shall not exceed 19 feet except that within three feet of the street line the width may taper to a maximum width of 22 feet”. The applicant seeks permission to expand the width of the existing driveway to 22 feet at the southeast portion of the property (west of the street-line), to a maximum of 26 feet (at the southern portion of the property, east of the garage);

WHEREAS, on May 15, 2023, 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, Don Alberto, Architect, with offices located at 68 Highland Avenue, Port Washington, New York, appeared on the part of the applicants in support of the application; A letter of support of the application was submitted on behalf of John DellAquila of 117 Revere Road, and a letter in opposition was submitted by David Moffitt of 435 Ryder Road;

WHEREAS, Section 200-45, enacted by Local Law No. 4-1985 and amended by Local Law No. 2-2013, requires that the width or horizontal dimensions of driveways in Residence A and Residence B Districts shall not exceed 19 feet, except that within three feet of the street line the width may taper to a maximum width of 22 feet. The applicant seeks permission to expand the

width of the existing driveway to 22 feet at the southeast portion of the property (west of the street-line), to 26 feet (at the southern portion of the driveway, east of the garage);

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.

WHEREAS, in their application, the applicants claim, *inter alia*, that the location of the attached garage and the narrow nature of the existing “driveway makes it difficult to pull out of the garage and turn around to exit this property” (*see application*), creating a hardship; and that an additional parking spot is required at the base of the driveway to accommodate family and friends visiting the property. The applicant further contends that the requested variance is in keeping with the character of the neighborhood and that the expansion will be properly “screened”, as to minimize any perceived effect on the character of the neighborhood.

NOW THEREFORE, after due consideration and deliberation, the Board finds that with regard the proposed expansion of the existing driveway in violation of Section 200-45 of the Code,

the Applicants' request for a variance is, *in part* DENIED; specifically with regard to the requested expansion of the driveway to a width of twenty-two (22) feet to the west of the street line. The Board finds that this is a substantial request which would create an undesirable change in the character of the neighborhood; and that any benefit to the applicants is outweighed when considered against the detriment to the health, safety and welfare of the neighborhood. Further, the Board finds that with regard to the requested expansion of the driveway to twenty-two (22) feet, to the west of the street line, the benefit sought could be achieved by other means which would not require a variance;

FURTHER HOWEVER, the Board finds that the proposed expansion of the driveway to a width of twenty-six (26) feet, at the southern portion of the driveway, to the east of the garage, does not require a substantial variance; and based on the location on the property would not have an adverse impact on the physical or environmental condition of the neighborhood; and the benefit sought by the applicant with regard to this portion of the requested variance, outweighs any possible detriment to the health, safety and welfare of the neighborhood or community by the grant of said variance; and therefore

**BE IT RESOLVED**, that the application for a variance from §200-45 of the Village Code be, and hereby is, approved in part and subject to certain conditions, in that:

(A) The proposed expansion of the driveway to a width of twenty-two (22) feet at the southeast portion of the property (west of the street-line), is hereby denied; and

(B) the proposed expansion of the driveway to twenty-six (26) feet at the southern portion of the driveway, east of the garage is hereby granted, subject to the following conditions:

(i) All stormwater runoff is contained upon the premises and a stormwater control plan be submitted for approval to the Village Engineer;

(ii) that the design, construction, materials & landscape design of the proposed expansion be subject to the review and approval of the Village's Architectural Review Board;

(ii) The encroachment shall be screened in its entirety by evergreen shrubs, approved by the Building Inspector, and a minimum of 2 feet in height at the time of planting;

The forgoing resolution, to grant a variance from §200-45 of the Village Code with certain conditions, was moved by Chairman Joseph Russo and seconded by Member Robert Farrer, and adopted as follows:

Joseph Russo, Chairperson	-	Aye
Robert Farrer, Member	-	Aye
Tara Kirkwood, Member	-	Absent
Dimitri Nikas, Member	-	Aye
Michael Fulgieri, Member	-	Aye

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Joseph Russo, Chairperson

Dated: \_\_\_\_\_

Filed: \_\_\_\_\_