

VILLAGE OF MUNSEY PARK
BOARD OF APPEALS

BZA No. 305/2017

WHEREAS, Mr. and Mrs. Bruno, residing at 368 Abbey Road, Manhasset, New York 11030, known as Section 3, Block 130, Lot 225 on the Tax map of Nassau County (hereinafter the 'Premises'), have appealed to the Board of Appeals for a variance from § 200-11, "Projections Permitted", sub-section (E) thereof, which states that "one-story porches or vestibules which shall project into the front or rear yard only, not more than five feet";

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 applicant Mr. Bruno appeared, joined by Frank Capone, architect for the applicants, in support of the application and no party appeared in opposition;

WHEREAS, Section 200-11(E), permits one-story porches or vestibules which shall project into the front or rear yard only, not more than five (5) feet.

WHEREAS, in their application, the applicants request a variance so that they may construct a one-story porch / vestibule which projects 6.16 feet in the front yard; 1.16 feet in excess of the allowable projection under the 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 the applicant has failed to demonstrate a hardship that would require such a variance; that such a variance would have an adverse impact on the physical conditions in the neighborhood; and the benefit sought is achievable by other reasonable alternatives, other than the granting of an area variance.

BE IT RESOLVED, that the application for a variance from Section 200-21(E) of the Village Code be, and hereby is, denied.

The forgoing resolution was moved by Member Farrer and seconded by Member 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: _____