

VILLAGE OF MUNSEY PARK
BOARD OF APPEALS

BZA No. 310

WHEREAS, Mr. Richard Palermo and Mr. Steven Mezza residing of 389 Park Avenue, Manhasset, New York 11030, known as Section 3, Block 104, Lot 3 on the Tax Map of Nassau County (hereinafter the 'Premises'), have appealed to the Board of Appeals for a variance from Section 200-19(A), which requires, that there shall be a front yard of not less than twenty-six (26') feet from the street line, and in the case of corner lots, the building or 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;

WHEREAS, Section 200-19(A), amended by Local Law No. 4 of 1989, requires that there shall be a front yard of not less than twenty-six (26') 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 construction of a new one-story addition, for use as a mudroom to the existing residence, located on the northwest corner of Park Avenue and Eakins Road, which would result in a front yard setback of approximately sixteen (16') feet, where a thirty-point eight (30.8') foot setback is required based on the average setbacks of the adjacent homes, pursuant to §200-19(A) of 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.

WHEREAS, The Board finds that the proposed addition will maintain the existing non-conforming setback of the residence along the Eakins Road frontage and will not require a change in grade to the property or the removal of any trees. Further, the Board finds that this is not a substantial request and would not be feasible by another means which would not require an area variance.

NOW THEREFORE, that the Board of Appeals finds that the granting of a variance in this instance, will not produce an undesirable change in the character of the neighborhood, the benefit being sought cannot reasonably be achieved by another method which would not require a variance, is not substantial, will not have an adverse impact on the physical or environmental conditions of the neighborhood and is not self-created. Additionally, the benefit to the applicant from the granting of the variance to construct the proposed mudroom, outweighs any potential detriment to the neighborhood or community; be it further

BE IT RESOLVED, that the application for a variance from Sections 200-19(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: _____