

VILLAGE OF MUNSEY PARK  
BOARD OF APPEALS

BZA No. 325 / 2018

WHEREAS, Mr. & Mrs. Higgins, residing at 157 Ryder Road, Manhasset, New York 11030, known as Section 3, Block 97, Lot 6, on the Land and Tax map of Nassau County (hereinafter the 'Premises'), have appealed to the Board of Appeals for a variance from Sections 200-19(B), which requires that there shall be two side yards, extending the full depth of the lot, one on each side of the main building, the aggregate width of which shall be at least 19 feet. Neither side yard shall be less than nine feet in width. A corner lot shall be deemed to have two side yards, neither of which shall be less than nine feet in width; and Section 200-20, which does not permit open accessory parking as a side obstruction.

WHEREAS, on September 20, 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, Together with the applicants, Edward & Frances Higgins, Patricia O'Neil, architect for the applicants, with offices at 257 Circle Drive, Manhasset, New York, appeared in support of the application, and no party appeared in opposition.

WHEREAS, Section 200-19(B), as amended L.L. No. 4-1989, requires that there shall be two side yards, extending the full depth of the lot, one on each side of the main building, the aggregate width of which shall be at least 19 feet. Neither side yard shall be less than nine feet in width. A corner lot shall be deemed to have two side yards, neither of which shall be less than nine feet in width.; and

WHEREAS, Section 200-20 enumerates the permitted projections under the Code of the Incorporated Village of Munsey Park; open accessory parking not being a permitted projections

that one-story porches or vestibules shall project into the front or rear yard only, not more than five (5) feet; and

WHEREAS, in their application, the applicants request a variance so that they may construct a new open parking space in the side yard of the premise, located on the north side of Ryder Road, resulting in a setback of 3.39', in violation of the setback requirements of Section 200-19(B) of the Code;

WHEREAS, Village Law Section 7-712-b(3) requires that in making a 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, with regard to the proposed construction of an open parking space in the side yard, accessible by the shared easement off of Ridge Crescent, the Board of Appeals finds that the benefit to the applicant by the granting of the variance, outweighs any potential detriment to the neighborhood or community. The Board does not find that construction of such an open parking space will produce an undesirable change in the character of the neighborhood as

the shared easement is used for access to four (4) houses on Ryder Road and five (5) houses on park and is a unique feature within the Village and the creation of the proposed parking space is of great benefit to the homeowner, as well as to all those using the shared easement. The Board does not find that the benefit sought by the applicant can be achieved by some other feasible method which would not require a variance, as the unique nature of this particular circumstance warrants the variance in this instance. The Board also finds that, taken in considerations of the conditions mandated below, there will be no adverse effect or impact on the physical or environmental conditions in the neighborhood as a result of the construction of the proposed open accessory parking space.

WHEREAS, the Board finds that the applicant has demonstrated good cause to allow the improvements, has complied with the notice requirements of the Village and there was no objection from the community; therefore

BE IT RESOLVED, that the application for a variance with regard to the construction of an open accessory parking space within the side yard, in violation of Section 200-19(B) and Section 200-20 of the Village Code be, and hereby is, granted subject to the conditions as set forth below; and

BE IT FURTHER RESOLVED that the following special conditions are imposed upon the granting of the variances herein: that: (1) appropriate screening shall be maintained in front (south side) and alongside (west side) of the proposed open air parking space; and (2) that any retaining walls are approved in accordance with the Village Code and constructed only of materials approved by the Village's Building Advisory Committee; and (3) all stormwater runoff is contained upon the premises and a stormwater control plan be submitted for approval to the Village Engineer.

The forgoing resolution was moved by Member Robert Farrer and seconded by Member Dimitri Nikas, and adopted as follows:

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

---

Joseph Russo Chairperson

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

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