

March 3, 2017

TO: Hastings ZBA

SUBJECT: Addition to Buckley Residence  
44 Oakdale Drive

Dear Board Members:

I am writing this note on behalf of my clients, MacKenzie Cadenhead and Dan Buckley. The project we are proposing entails adding a third bedroom on the 2<sup>nd</sup> floor by pushing out an existing bedroom to accommodate a hallway going to the new one. On the ground floor there will be a new utility room and a 6' extension of a home office. Total footprint enlargement is 305sf.

There would be a **21"x 72" encroachment** into the front yard – a little over 10sf. Please note that the proposed addition is actually at the rear of the structure. It is only the fact that the old house sits so close to the road (it encroaches about 18' into the front yard) that there is any need for a zoning variance for this project.

Why add on?

There is a new little Buckley on the way. Between the (soon to be) three kids and grandparents visiting (free babysitting), there is a real need for the 3<sup>rd</sup> bedroom.

Thank you for your consideration of this matter.

Yours truly,

A handwritten signature in black ink that reads "Mitchell Koch". The signature is fluid and cursive, with the first name "Mitchell" written in a larger, more prominent script than the last name "Koch".

Mitchell Koch, R.A.

# VILLAGE OF HASTINGS-ON-HUDSON

## Zoning Board of Appeals

### Application and Procedure for Application for Variance/Interpretation/View Preservation



Case number:.....Date of application: February 3, 2017

Property owner: Daniel Buckley

Property address: 44 Oakdale Drive, Hastings-On-Hudson

Name all streets on which the property is located: at corner of Oakdale Drive & Hollywood Drive

Sheet: 4.20 Block: 16 Lot/Parcel: 1 Zoning District: R-10

Applicant: Mitchell Koch

Standing of applicant if not owner: Architect

Address: 20 Marble Terrace, Hastings on Hudson NY 10706

Daytime phone number: (914)623-0230 Fax number: (914)219-1929

E-mail address: mitch@mkastudio.com

ZBA action requested for (See §295-146B & C :

☐ Use Variance/s;

☒ Area Variance/s;

☐ Interpretation;

☐ View Preservation (See §295-82)

List code sections & provisions from which the variance or interpretation is requested:

Section*	Code Provision*	Existing Condition*	Proposed Condition*
295-68F.1a	Front Yard Min 30ft	10'-6"	28'-2"
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

\*See example below:

...295-68F.1a...	.....Front Yard Min. 30 ft. deep.....	.....26.5 ft.....	.....19.5 ft.....
...295-68A.....	.....Permitted Principal Use. ....	.....Single Family Home.....	.....Conversion to Dental Office.....

# VILLAGE OF HASTINGS-ON-HUDSON

## Zoning Board of Appeals Zoning Analysis



### ZONING REQUIREMENTS:

#### YARD SETBACKS (Principal Structure)

	REQUIRED	EXISTING	PROPOSED
FRONT	30'	10'-6"	28'-2"
REAR	30'	76.5'	NO CHANGE
SIDE ONE	30'	37.9'	32.2'
SIDE TWO	12'	24.2'	NO CHANGE
TOTAL OF TWO SIDES	42'	62.1'	56.4'

#### YARD SETBACKS (Accessory Structure)

	REQUIRED	EXISTING	PROPOSED
TO PRINCIPAL BLDG.	N/A	N/A	N/A
REAR	N/A	N/A	N/A
SIDE	N/A	N/A	N/A

#### BUILDING HEIGHT

	PERMITTED	EXISTING	PROPOSED
STORIES	2 1/2	2 1/2	NO CHANGE
FEET	35'	21'	NO CHANGE

#### LOT COVERAGE

	PERMITTED	EXISTING	PROPOSED
LOT AREA	10,000 sf	15,910 sf	NO CHANGE
BLDG. COVERAGE/ % OF LOT AREA	25%	10%	11.5%
DEVELOPMENT COVERAGE / % OF LOT AREA	25%	20.8%	22.3%

\*See Definitions of Building and Development Coverage in Section 295-5 of the Village code.

#### OCCUPANCY AND USE

	PERMITTED	EXISTING	PROPOSED
CURRENT USE**	SINGLE FAM	SINGLE FAM	SINGLE FAM

\*\* Single Family, Two Family, Commercial, Mixed Use etc.

# VILLAGE OF HASTINGS-ON-HUDSON

## Zoning Board of Appeals

### Application and Procedure for Application for Variance/Interpretation/View Preservation



- List any previous application or appeal filed with The Zoning Board of Appeals for this premises:

Date of Appeal	Purpose of the Appeal	Resolution if any	Date of Action
5/29/14	FRONT YARD MINIMUM	APPROVED	
5/29/14	CORNER LOT SIDE MINIMUM	DENIED	

- List pending violations on this property if any:

- Is there an approved site plan for this property?: ☐ (Yes) ☒ (No)
- Is there an Accessory Apartment at this property?: ☐ (Yes) ☒ (No)
- Does this property have Boarder's Permit?: ☐ (Yes) ☒ (No)
- On a separate typewritten sheet of paper, state the principal points on which you are making this application. Describe the construction, addition or alteration that requires the variance. Explain why a variance is necessary and demonstrate how the variance satisfies the criteria for the type of variance (use or area) sought. The criteria for the two types of variances are attached. (If an interpretation is sought, explain the issue. If you wish you may also state your argument for how the issue should be resolved.)

Submit nine (9) copies of the application along with the required fee, 8 copies of property survey showing the existing and proposed construction and 8 copies of all other supporting documents (plans, drawings, site maps, photographs, etc. as necessary to describe and support your application) to the Office of the Building Inspector, no less than six (6) weeks prior to the date of scheduled meeting of the Zoning Board of Appeals.

STATE OF NEW YORK  
COUNTY OF WESTCHESTER ss.:

I hereby depose and say that all of the above statements and statements contained in all papers I have submitted in connection with this application are true:

Mitchell Koch  
Applicant

Sworn to before me this 8th day  
of February, 2016

Kathleen Boyd  
Notary Public

KATHLEEN BOYD  
NOTARY PUBLIC STATE OF NEW YORK  
WESTCHESTER COUNTY  
LIC. #01B06217237  
COMM. EXP. 2-8-2018



**VILLAGE OF HASTINGS-ON-HUDSON**

**Zoning Board of Appeals**

**Application and Procedure for Application for  
Variance/Interpretation/View Preservation**



STATE OF NEW YORK  
COUNTY OF WESTCHESTER  
VILLAGE OF HASTINGS ON HUDSON

Name : DANIEL BUCKLEY, being duly sworn, deposes and says that  
he/she resides at 44 OAKDALE DRIVE in the Village of Hastings-on-  
Hudson in the County of Westchester, in the State of New York, that he/she is the owner of all that certain lot,  
parcel of land, in fee, lying and being in the Village of Hastings-on-Hudson aforesaid and known and  
designated as Sheet 4.20 Block 16 and Lot 1 of the tax map, and that  
he/she hereby authorized MITCHELL KOCH to make the annexed  
application in his/her behalf and that the statement of fact contained in said application are true.

Daniel J Buckley  
Owner

SWORN TO BEFORE ME THIS 8<sup>th</sup> DAY  
OF February 2007

Kathleen Boyd  
Notary Public

KATHLEEN BOYD  
NOTARY PUBLIC STATE OF NEW YORK  
WESTCHESTER COUNTY  
LIC. #01B06217237  
COMM. EXP. 2-8-2018

**NOTICE**

This application will not be accepted for filing unless accompanied by all necessary papers, plans and data, in  
accordance with the foregoing and as required by law.

## CODE OF THE VILLAGE OF HASTINGS ON HUDSON

### § 295-146. Variances.

- A. The Board of Appeals, on appeal from the decision or determination of the administrative officer charged with enforcement of this chapter, shall have the power to grant use variances and area variances, as defined herein.
- B. Use variances.
  - 1) "Use variance" shall mean the authorization by the Board of Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning regulations.
  - 2) No use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
    - a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
    - b. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
    - c. The requested use variance, if granted, will not alter the essential character of the neighborhood; and
    - d. The alleged hardship has not been self-created.
  - 3) The Board of Appeals, in the granting of a use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- C. Area variances.
  - 1) "Area variance" shall mean the authorization by the Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.
  - 2) In determining whether to grant an area variance, the 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 of Appeals shall also consider:
    - a. 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.
    - b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
    - c. Whether the requested area variance is substantial.
    - d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
    - e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the Board of Appeals but shall not necessarily preclude the granting of the area variance.
  - 3) The Board of Appeals, in the granting of an area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- D. Imposition of conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

## CODE OF THE VILLAGE OF HASTINGS ON HUDSON

### § 295-82. View Preservation (VP) Districts

- A. Principal and accessory uses. Subject to the provisions of Subsection **C** below, the permitted principal and accessory uses for any lot or parcel in a VP District shall be the same as otherwise permitted in the district in which the lot or parcel is located.
- C. Approval by Planning Board and Board of Appeals.
  - (1) No building or structure shall be erected, altered, enlarged or moved in the district unless approved in accordance with the provisions of this section.
  - (2) Every application to permit the erection or exterior alteration of a building or structure in a VP District shall be referred by the Building Inspector to the Planning Board for its report and recommendations as to the best siting, dimensions and configuration of principal and accessory structures so as to cause the least possible obstruction of the view of the Hudson River and the Palisades for neighboring properties and adjacent public property and rights-of-way. The Planning Board shall issue its report and recommendations within 60 days after receipt of the application.
  - (3) After approval by the Planning Board, the plan for erection or exterior alteration of the building or structure shall be referred to the Board of Appeals, which shall conduct a public hearing on the plan. The Board of Appeals shall hold the hearing and render its decision within 60 days after the referral by the Planning Board.
  - (4) Joint notice of both the Planning Board meeting at which the application is to be considered and the Board of Appeals public hearing on the application shall be given at least 14 days before the Planning Board meeting. Notice shall be given as required in § 295-143C. In addition, notice shall be given to the Architectural Review Board and shall be published in a newspaper of general circulation in the Village not less than 10 days before both the Planning Board meeting and the Board of Appeals hearing.



1 OAKDALE DRIVE



2 OAKDALE DRIVE



3 OAKDALE DRIVE



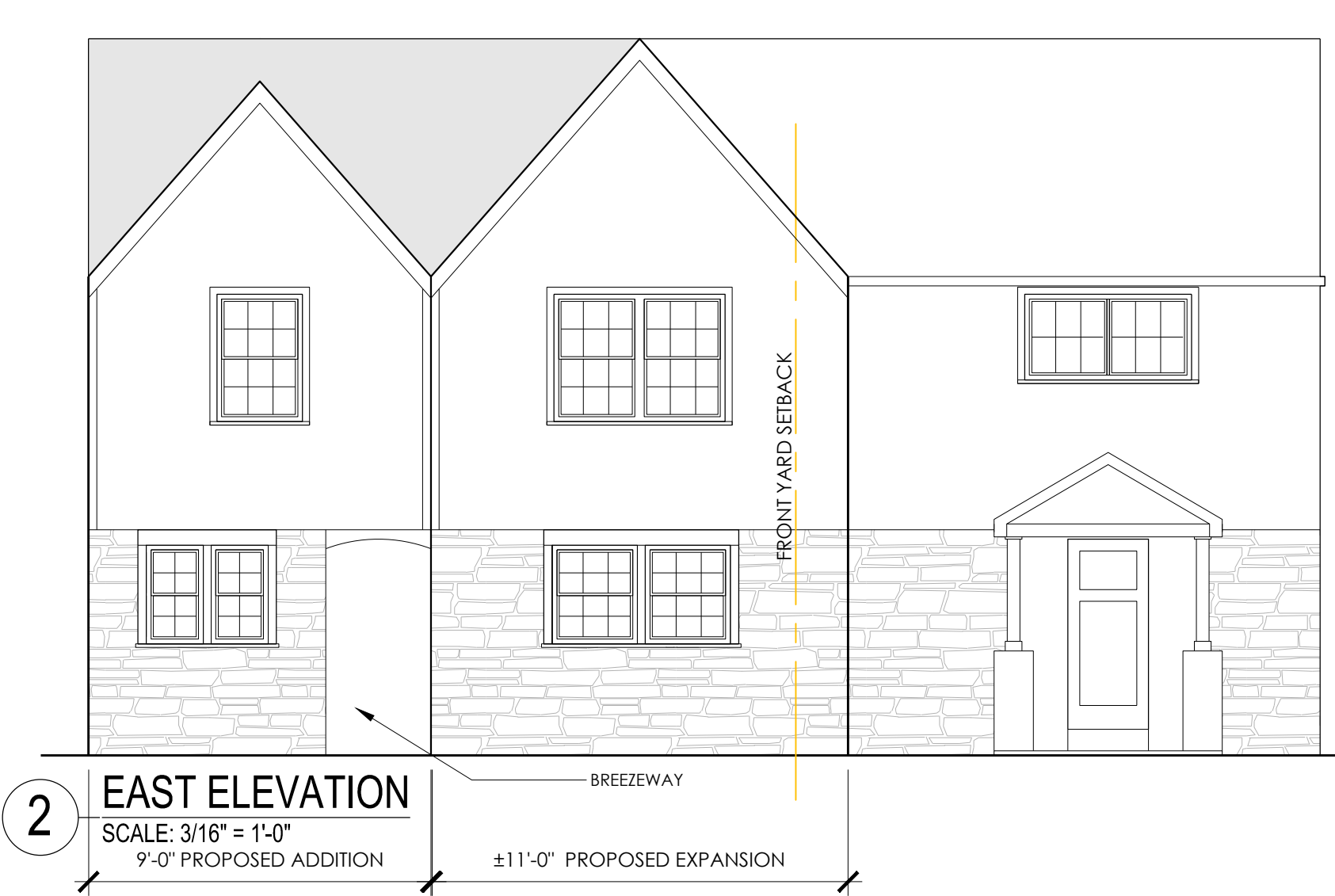
4 FOREST AVENUE



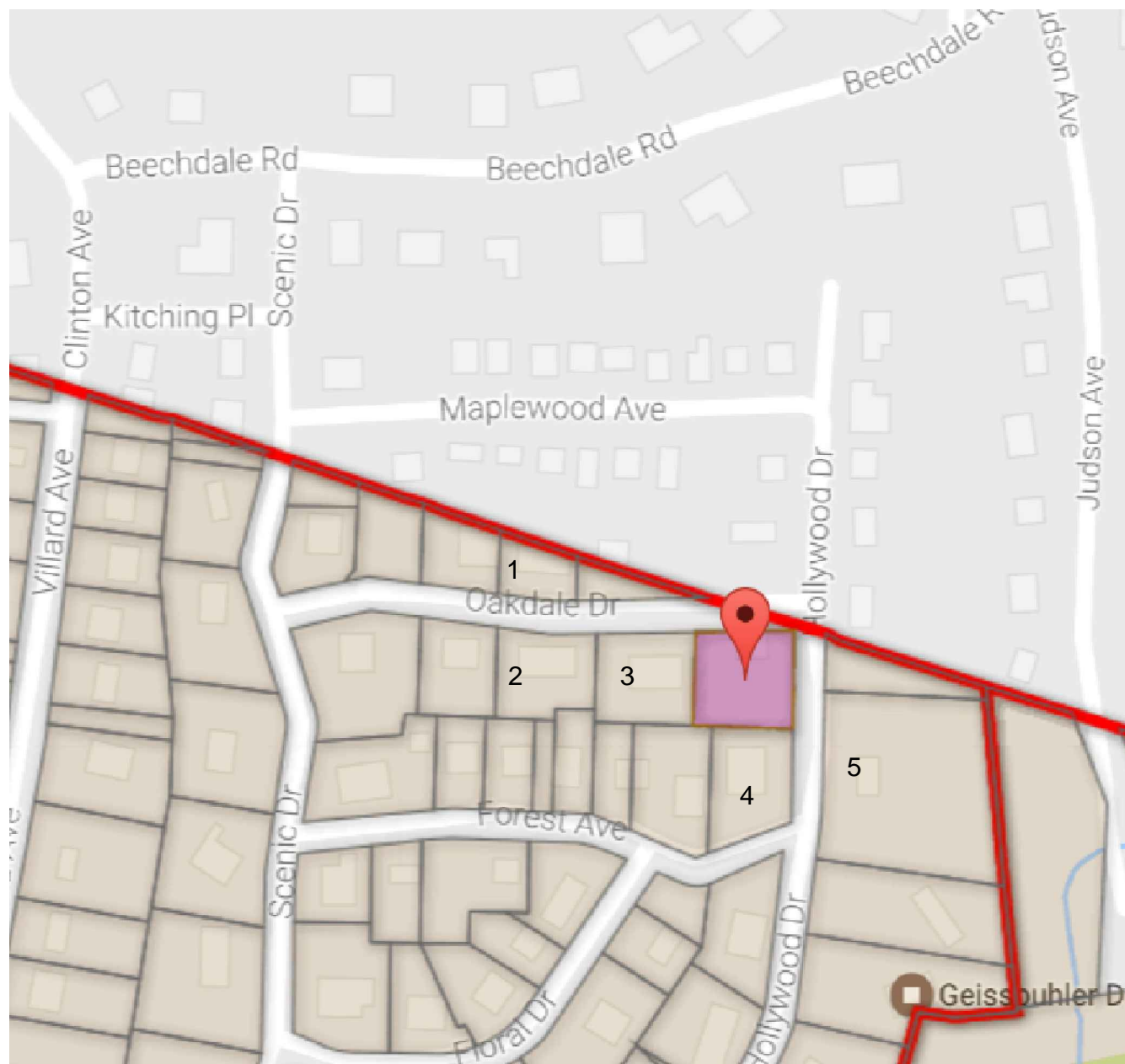
5 HOLLYWOOD DRIVE



1 SOUTH ELEVATION  
SCALE: 3/16" = 1'-0"



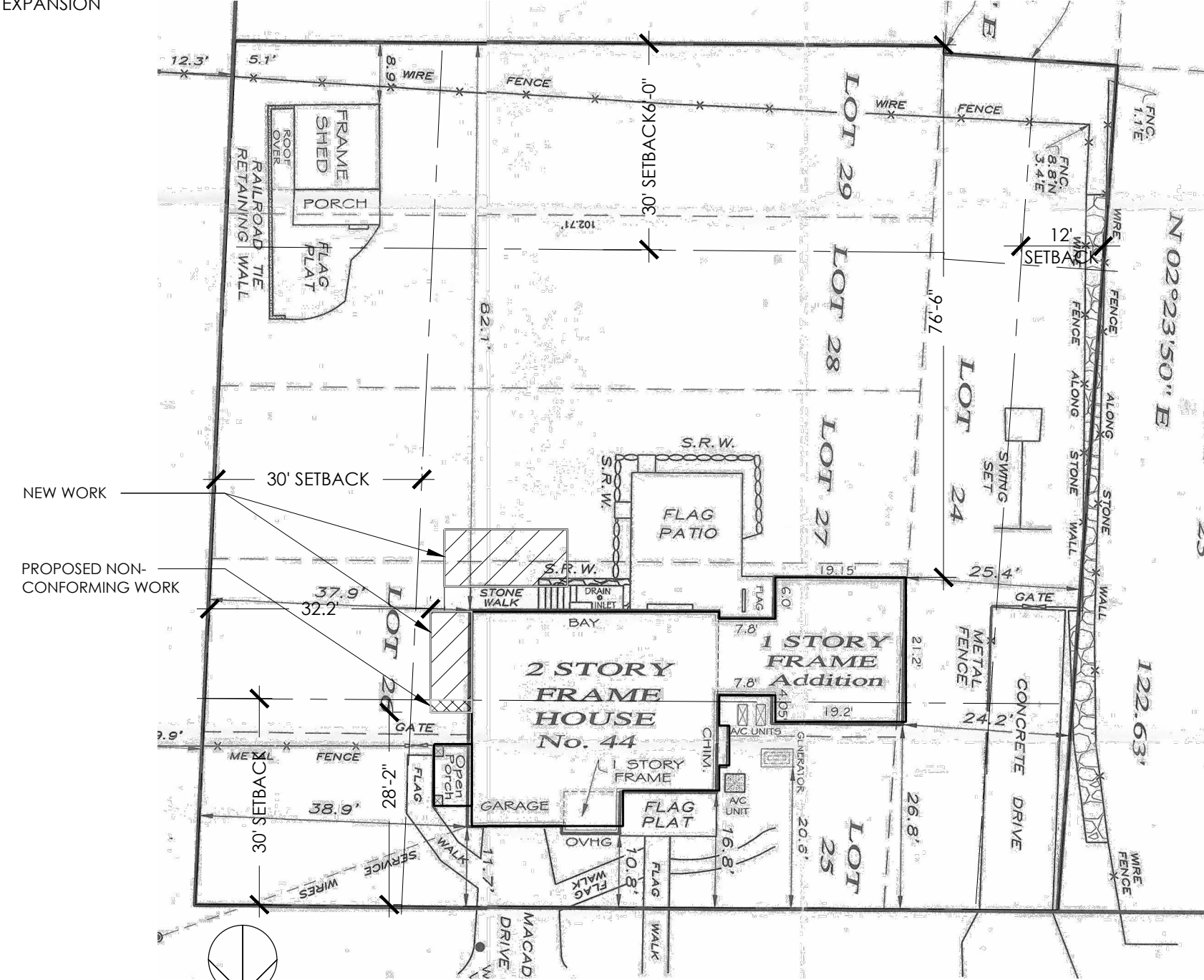
2 EAST ELEVATION  
SCALE: 3/16" = 1'-0"



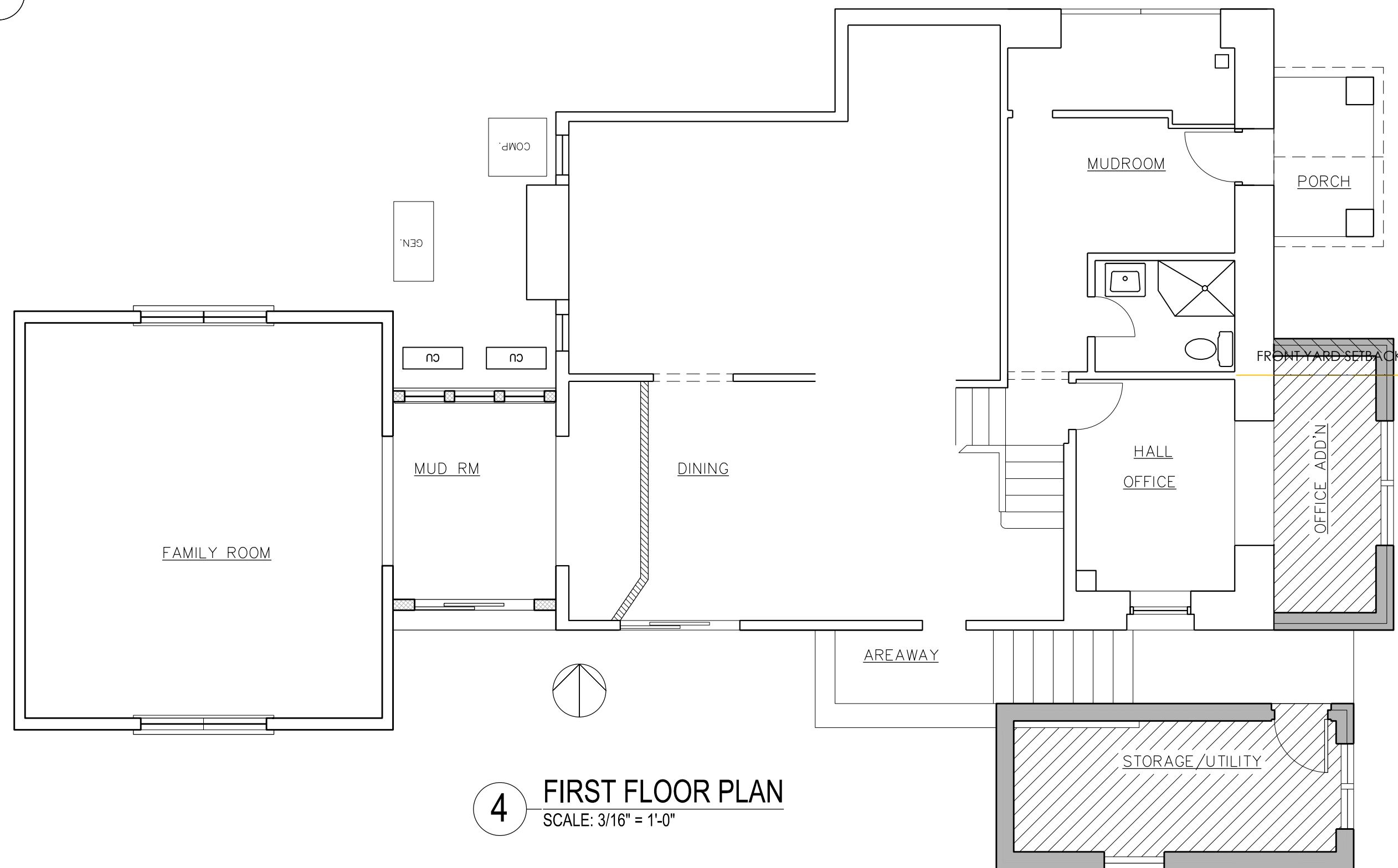
AREA MAP

SETBACK LEGEND			
[Symbol]	EXISTING BUILDING COVERAGE		
[Symbol]	PROPOSED NEW CONSTRUCTION		
[Symbol]	PROPOSED ENCRANCHING CONSTRUCTION		

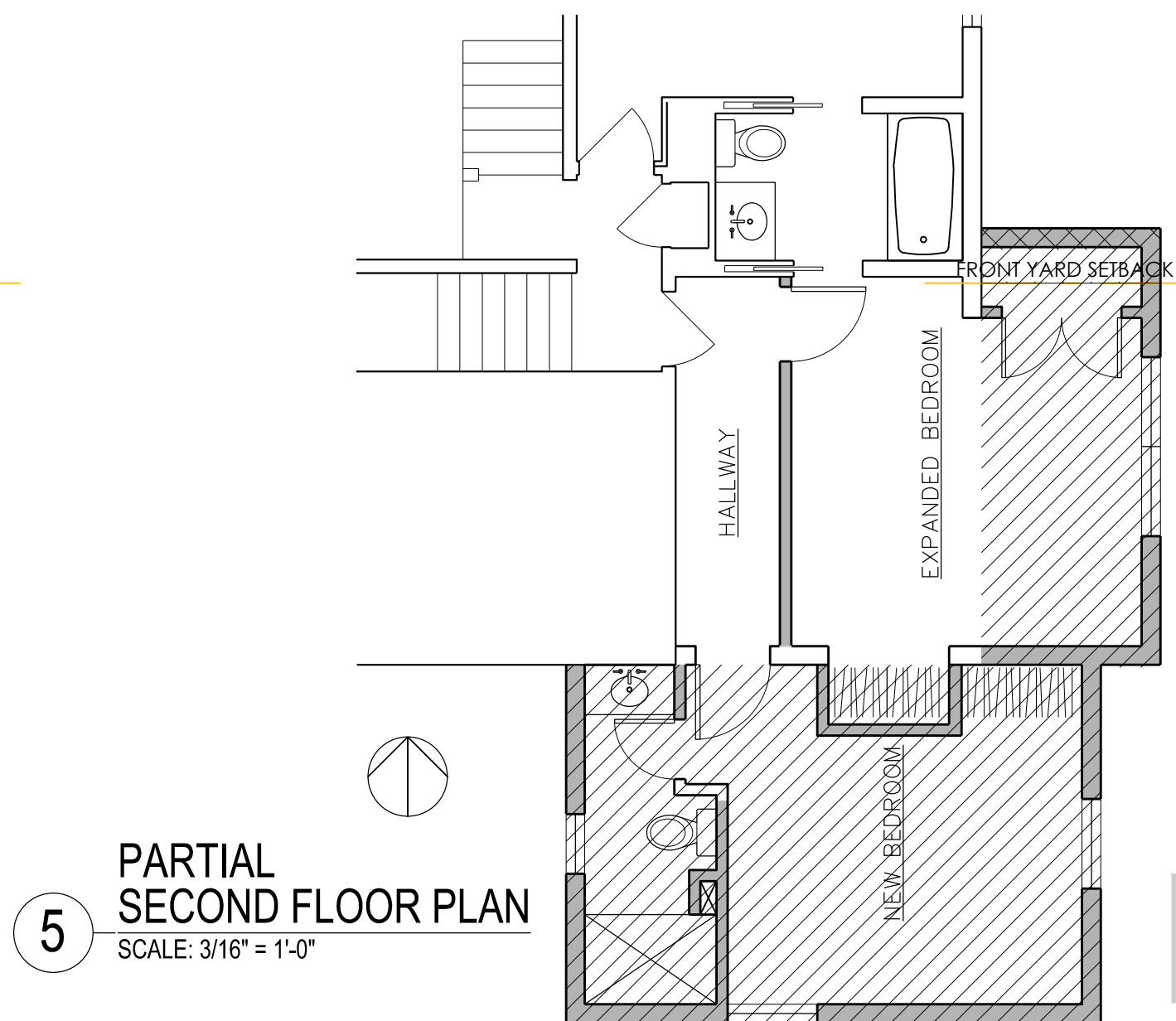
ZONING CALCULATIONS			
LOCATION:	44 OAKDALE DRIVE		
ZONING DISTRICT:	R-10		
SHEET:	4.20		
BLOCK:	16		
LOTS:	1		
USE:	REQUIRED	EXISTING	PROPOSED
	SINGLE FAMILY	SINGLE FAMILY	NO CHANGE
YARD REQ'TS:			
FRONT:	30'	10'-6"	28'-2"
REAR:	30'	76.5"	NO CHANGE
SIDE ONE:	30'	37.9"	32.2'
SIDE TWO:	12'	24.2'	NO CHANGE
SIDE TOTAL:	42'	62.1'	56.4'
BUILDING HGT.:	35' 2 1/2 STORIES	21' 2 1/2 STORIES	NO CHANGE
BUILDING COV.:	25%	10.0%	11.5%
DEVELOPMENT COV.:	25%	21.4%	22.3%



3 PLOT PLAN  
SCALE: 1" = 20'-0"



4 FIRST FLOOR PLAN  
SCALE: 3/16" = 1'-0"



5 PARTIAL SECOND FLOOR PLAN  
SCALE: 3/16" = 1'-0"

A0.0

REVISION

FEB 2, 2017	DENIAL
FEB 2, 2017	ZBA

A1.0 SITE PLAN, FLOOR PLANS, ELEVATIONS

REGISTERED ARCHITECT  
MITCHELL DAVID KOCH  
STATE OF NEW YORK  
028170-1

2-STORY ADDITION  
BUCKLEY RESIDENCE  
44 OAKDALE DRIVE  
HASTINGS-ON-HUDSON

GENERAL NOTES  
ELEVATIONS  
PLANS  
SITE PLAN  
ZONING CHART

20 marble terrace  
hastings on hudson  
new york 10706  
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