

March 3, 2017

TO: Hastings ZBA

SUBJECT: Addition to Kodali Robles Residence  
9 Harvard Lane

Dear Board Members:

I am writing this note on behalf of my clients, Silvia Robles and Susheel Kodali. The project we are proposing entails demolishing an attached (somewhat ramshackle) 2-car garage and building an addition on the same footprint, with the garage now located on the basement level. The existing garage encroaches on the sideyard about **9 inches**, and so would the proposed addition.

What is the need here?

- The existing structure needs help, at a minimum.
- If you study the plan you will note that the masonry chimney encroaches within the garage leaving about 19' of side-by-side parking space for two cars – not horrible, but it would be preferable not to diminish that dimension.
- The grandparents (in their 70s) spend a lot of time and help out with childcare. My clients would love to provide them with a guest room on the 1<sup>st</sup> floor. Thus the move putting the garage below grade.
- The 2<sup>nd</sup> floor part of the addition (we are talking about the 9" encroachment again) is really about improving the curb appeal of the house by organizing the massing and roof lines.
- Finally, I want to reiterate that the encroachment is very, very small.

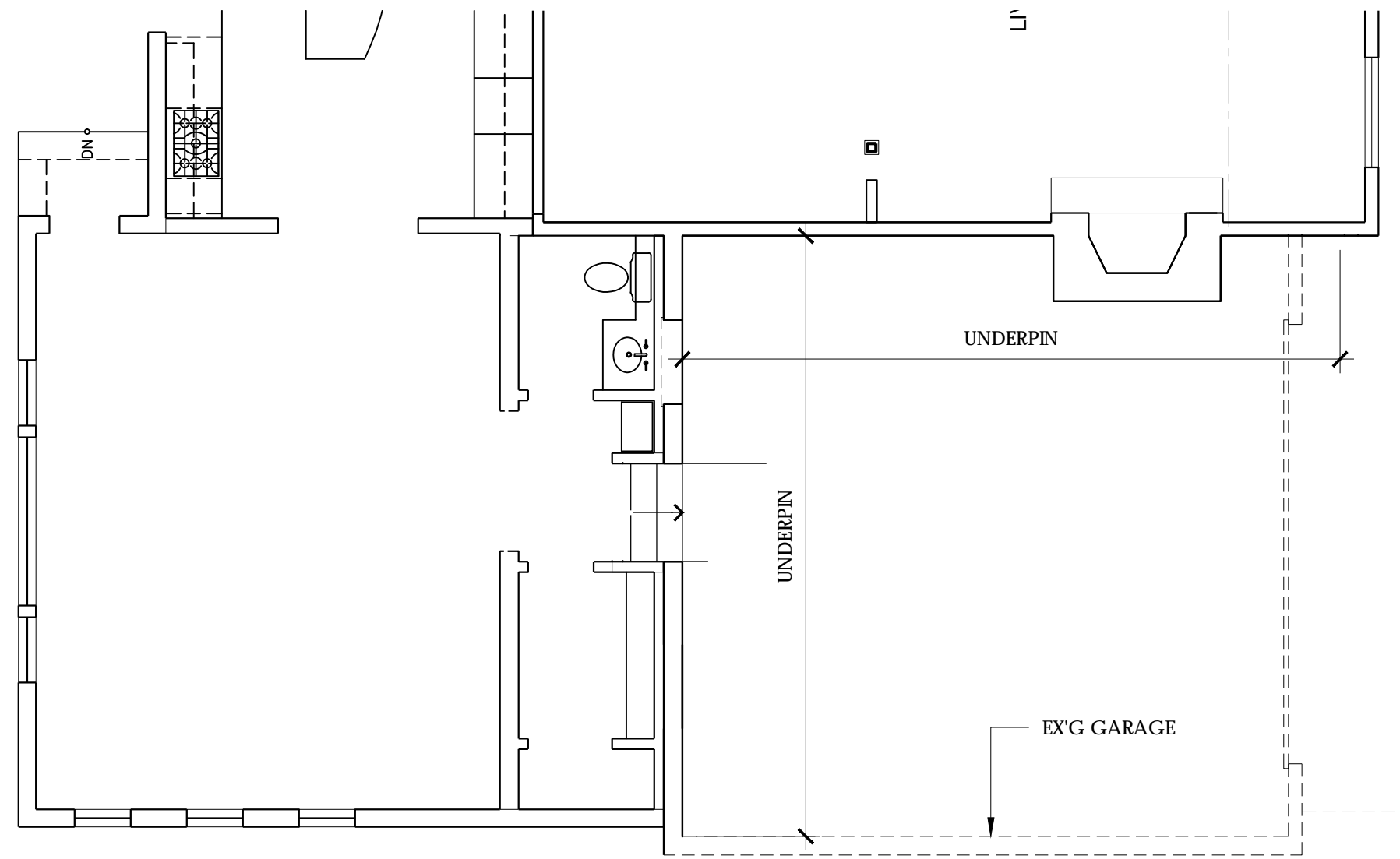
Thank you for your consideration of this matter.

Yours truly,

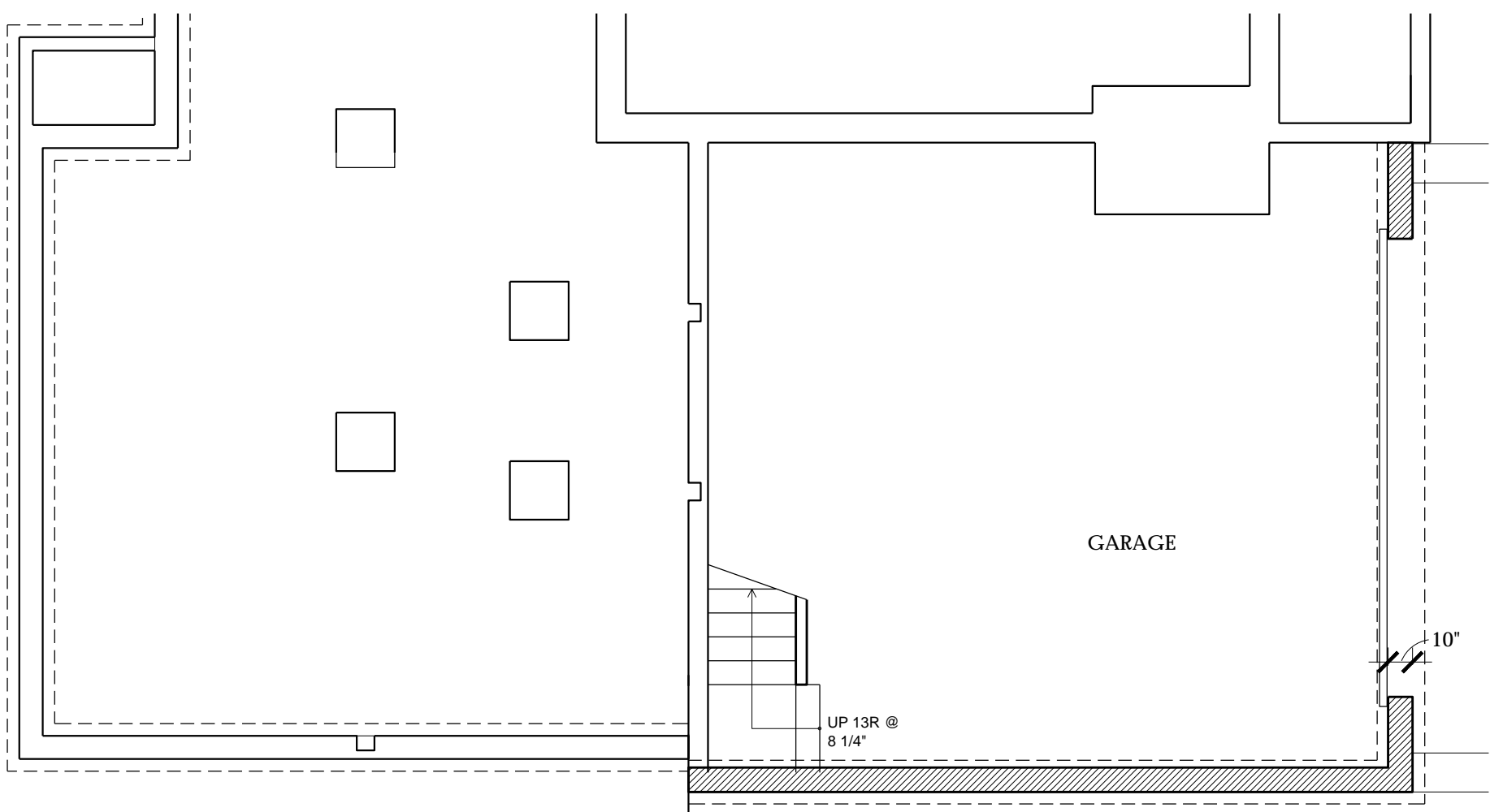


Mitchell Koch, R.A.

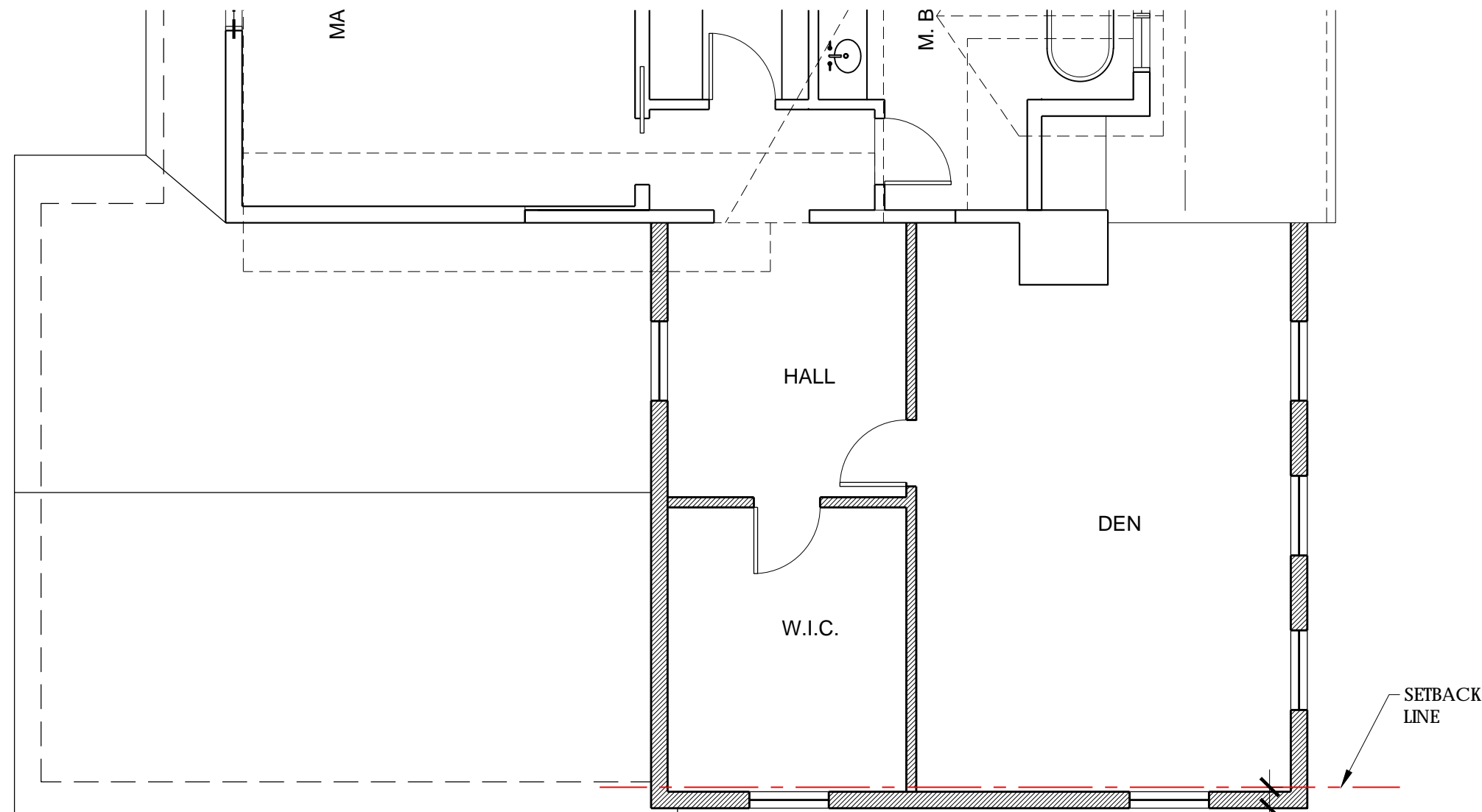




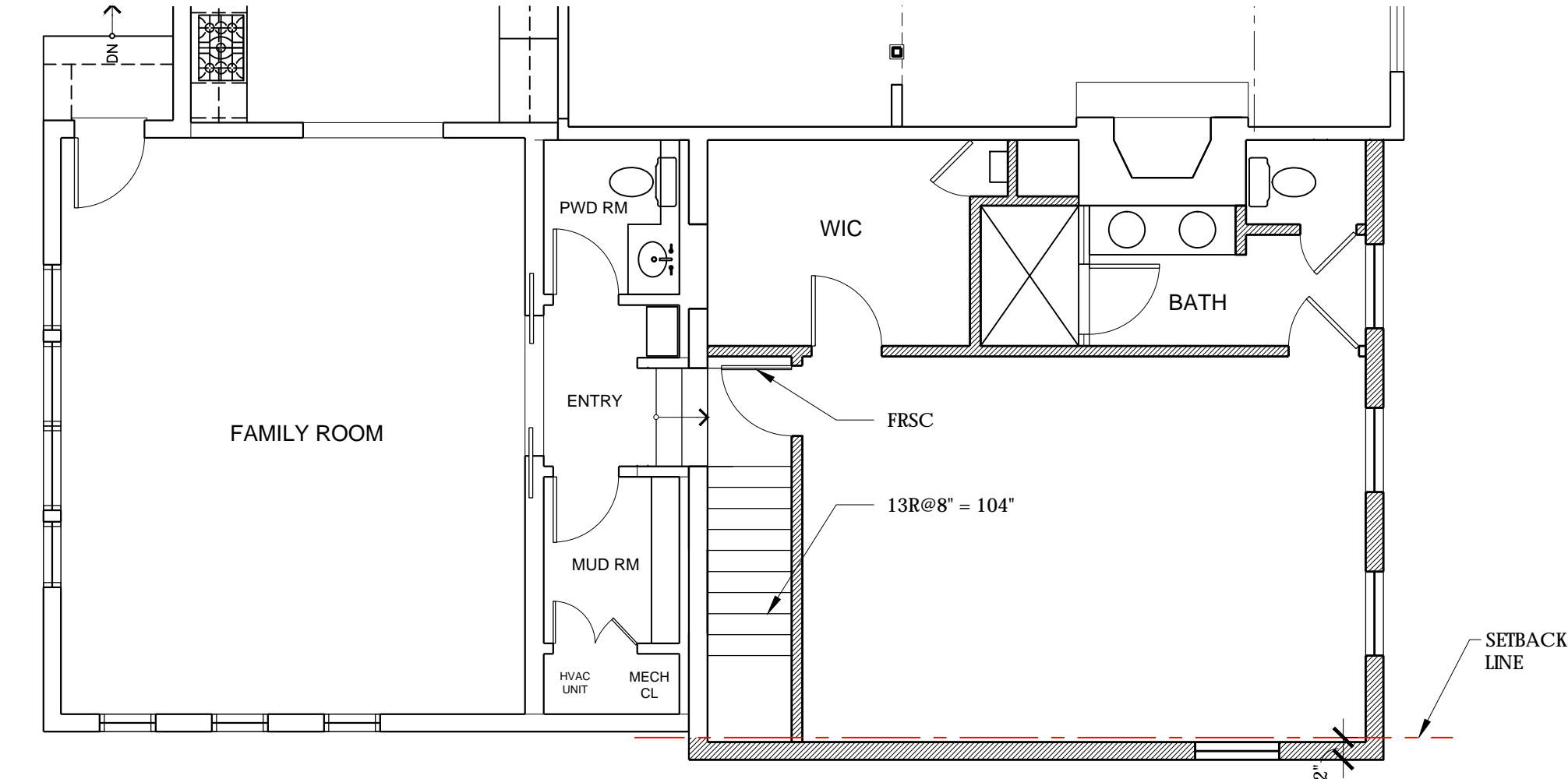
1 DEMOLITION PLAN  
SCALE: 3/16" = 1'-0"



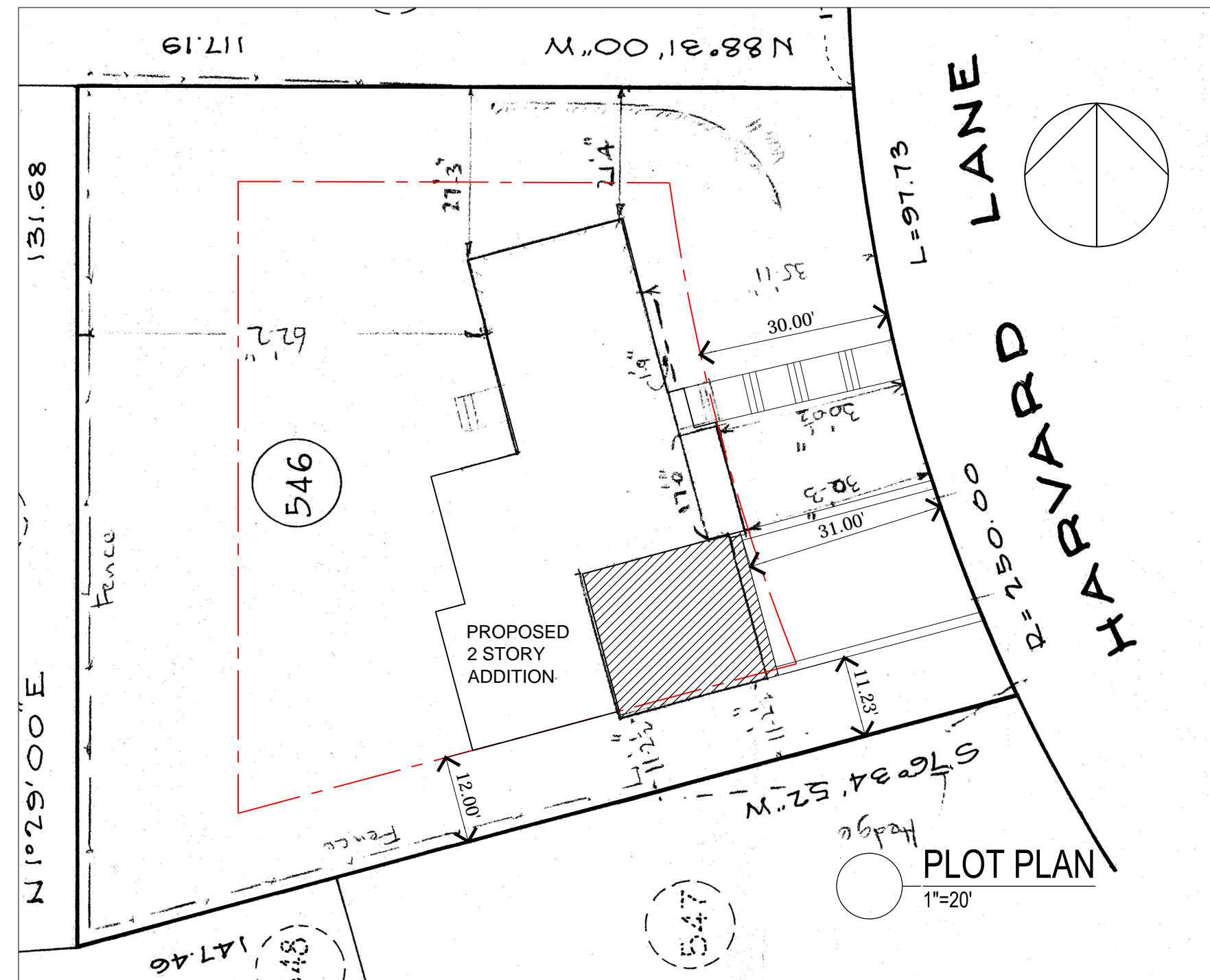
2 FOUNDATION PLAN  
SCALE: 3/16" = 1'-0"



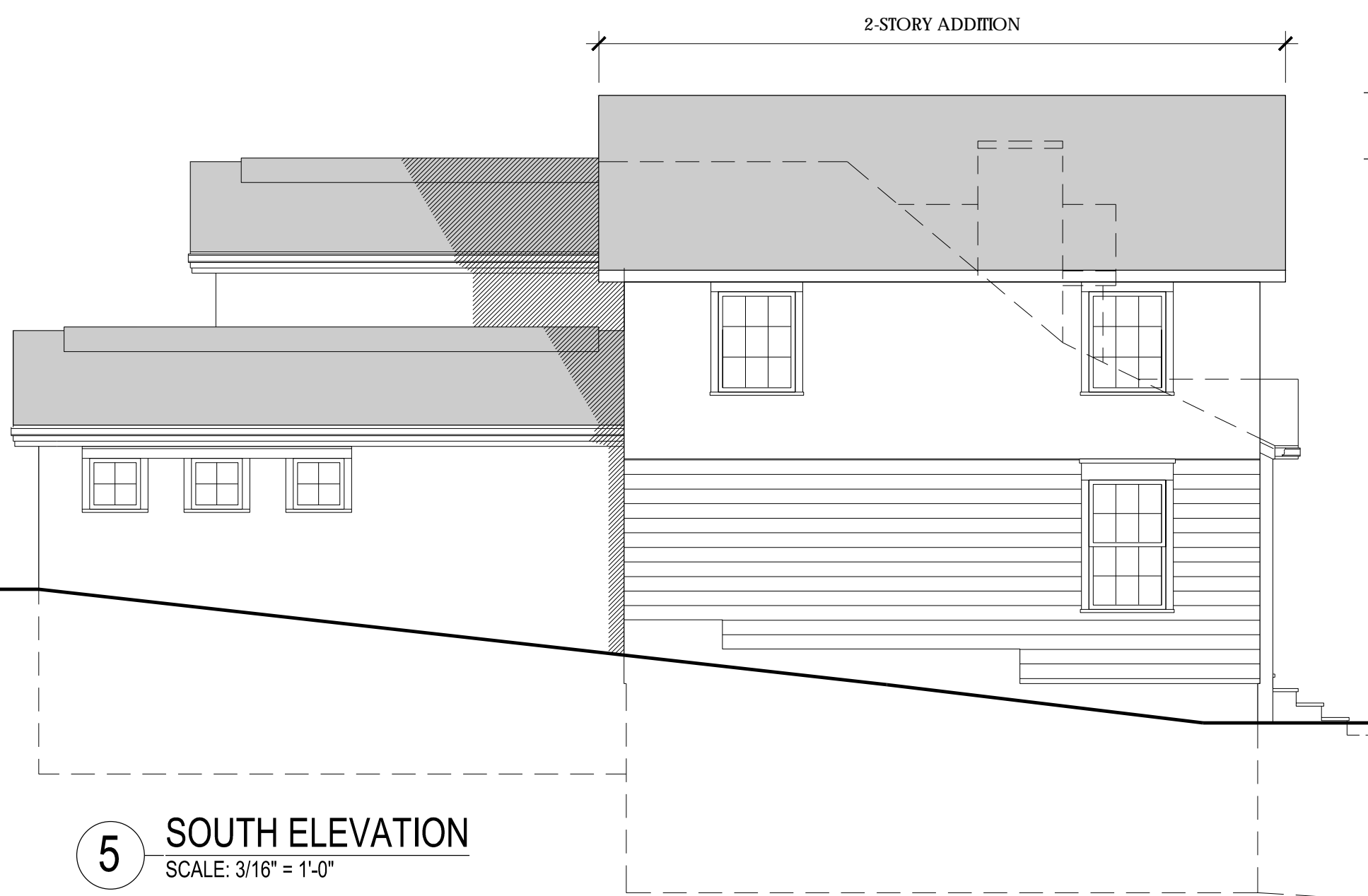
4 2ND FLOOR PLAN  
SCALE: 3/16" = 1'-0"



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



7 CURRENT ELEVATIONS  
SCALE: 3/32" = 1'-0"



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



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



#1 - 68 AMHERST DRIVE



#2 - 5 HARVARD LANE



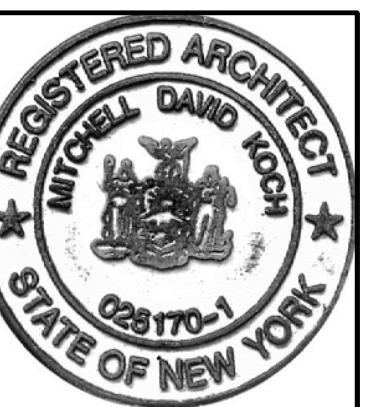
#3 - 8 HARVARD LANE

ZBA1

REVISION	
2/16/17	DENIAL ZBA



LOCATION  
MAP  
1"=20'



GARAGE AND GUESTROOM  
ADDITION  
KODALI and ROBLES RESIDENCE  
9 HARVARD LANE  
HASTINGS ON HUDSON, NY  
SBL: 4.110-112-1

GENERAL NOTES  
LEGENDS, ABBREVIATIONS  
SCHEDULES  
GREEN BLDG CODE NOTES



*Pd # 200. 2B  
2/16*

# VILLAGE OF HASTINGS-ON-HUDSON

## Zoning Board of Appeals

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



Case number:.....Date of application:.....

Property owner: Silvia Robles  
Property address: 9 Harvard Lane  
Name all streets on which the property is located: Harvard Lane  
Sheet: 4.110 Block: 112 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.1,c	Side Yard Minimum	11.23'	11.23'
295-55A	EXTENSION of NONCONFORMITY	11.23'	11.23'
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

\*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'	31'	31'
REAR	30'	59'	No change
SIDE ONE	12'	11.23'	11.23
SIDE TWO	18'	21'-4"	No change
TOTAL OF TWO SIDES	30'	32.56'	32.56'

#### 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	1 1/2	2 1/2
FEET	35'	22'-0"	24'-7"

#### LOT COVERAGE

	PERMITTED	EXISTING	PROPOSED
LOT AREA	10,000 sf	14,427 sf	No change
BLDG. COVERAGE/ % OF LOT AREA	25%	2,115sf / 14.6%	2,159 sf / 15%
DEVELOPMENT COVERAGE / % OF LOT AREA	35%	3,528 sf / 24.4%	3,572 sf / 24.8%

\*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
.....	.....	.....	.....
.....	.....	.....	.....

- 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.

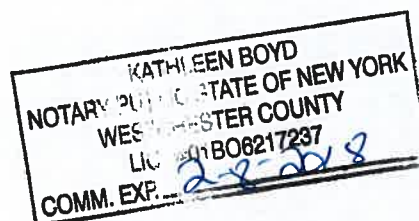
STATE OF NEW YORK  
COUNTY OF WESTCHESTER ss.:

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:

Shira Roth  
Applicant

Sworn to before me this 16<sup>th</sup> day  
of FEBRUARY, 2007

Kathleen Boyd  
Notary Public



# VILLAGE OF HASTINGS-ON-HUDSON

## Zoning Board of Appeals

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



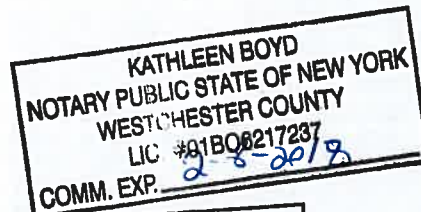
STATE OF NEW YORK  
COUNTY OF WESTCHESTER  
VILLAGE OF HASTINGS ON HUDSON

Name : Silvia Robles, being duly sworn, deposes and says that  
he/she resides at 9 Harvard Lane 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 43C Block 0765 and Lot 5 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.

Silvia Robles  
Owner

SWORN TO BEFORE ME THIS 16<sup>th</sup> DAY  
OF FEBRUARY 2017

Kathleen Boyd  
Notary Public



### 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.

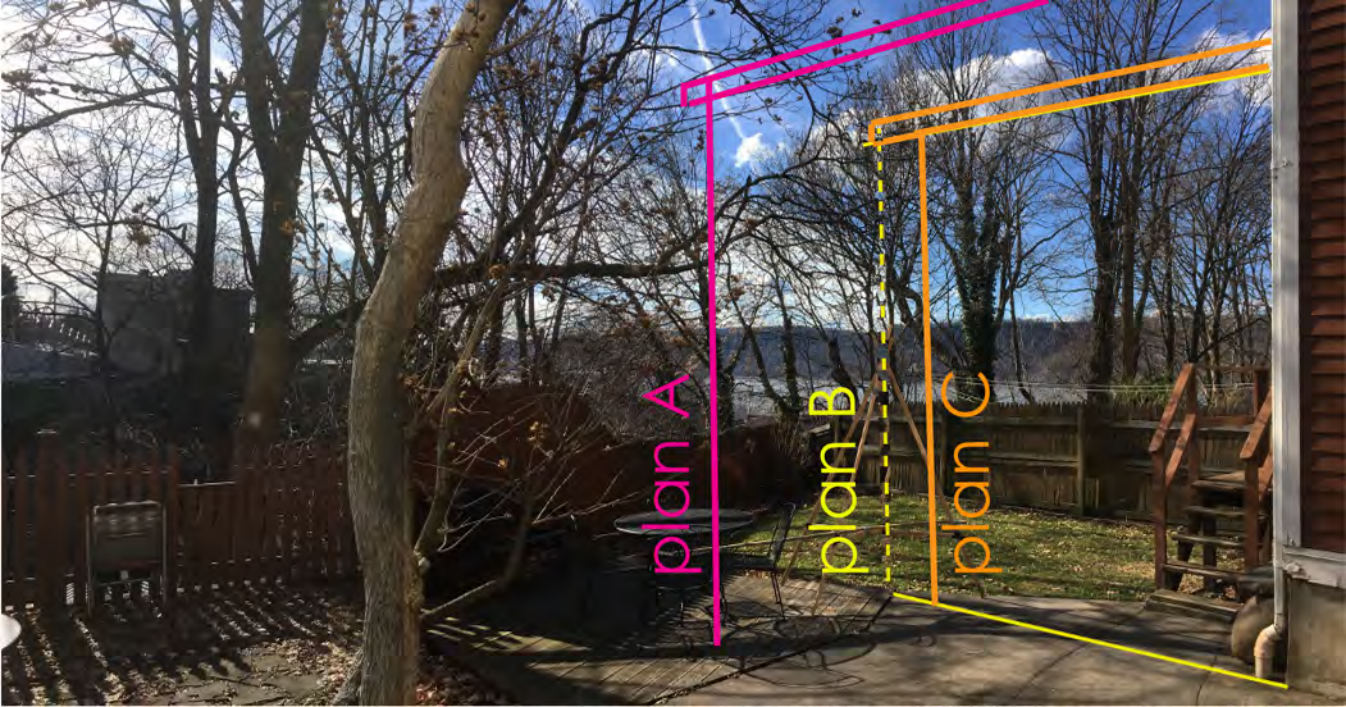
- A. The Board of Appeals, on appeal from the decision or determination of the administrative officer charged with enforcement of this chapter, shall have the power to grant use variances and area variances, as defined herein.
- B. Use variances.
- 1) "Use variance" shall mean the authorization by the 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.





plan A

plan B

plan C