#### Baldwin & Franklin, Architects

73 Washington Avenue
Hastings-on-Hudson, New York 10706
Telephone (914) 693-5324
Facsimile (914) 693-5676
E-Mail nedbaldwin@optonline.net

#### 8 November 2019

to: the Chairman of the Hastings ZBA

re: <u>Proposed alterations to 10 Maple Lâne</u>

Like the neighboring properties on Maple Lane, the lot size of #10 is smaller than permitted in the District 2R. The house is a totally non conforming structure due to front & side yard setback requirements & to the permitted lot coverage (see Existing Site Plan S1-E).

The existing 2 bedroooms on the attic floor have been in use since before 1970 & the access stair is not up to the current code as a means of egress. In order to remedy this a new dormer will be required on the West side to provide adequate headroom for a code compliant stair. This dormer would add to the existing non conformities of the house (see Proposed Site Plan S-1P).

At the first floor the only access to the rear yard is via steps from the kitchen door. The proposed renovation includes a sliding door onto a small deck which would cover the existing steps, basement entrance & concrete paving. We propose cascading steps from the deck at first floor level to the lawn at grade so that a railing would not be required (which confines a small deck area). This will encroach beyond the permitted side yard setback requirements for a deck (see Proposed Site Plan S-1P).

We ask for your favourable ruling on the required variances to permit the owners to correct a most unfortunate condition on the attic floor which they inherited when they bought the property and to vastly improve the relationship between the first floor living areas and the rear garden.

Yours sincerely,

**BALDWIN & FRANKLIN ARCHITECTS** 

Edward R. Baldwin

cc: Andrew Tucker and Rafaela de la Heurta (owners)

encl: Drawings

VILLAGE OF HASTINGS-ON-HUDSON

Zoning Board of Appeals

Application and Procedure for Application for

Variance/Interpretation/View Preservation



|           | Case number: Date of application: 7 November 2019  |                                 |                                   |  |  |  |
|-----------|--|---------------------------------|-----------------------------------|--|--|--|
|           | Property owner: Andrew Tucker and Rafaela de la Heurta Property address: 10 Maple Lane                                 |                                 |                                   |  |  |  |
|           |  |                                 |                                   |  |  |  |
|           | Name all streets on which the property is located: Maple Lane  Sheet: 4.30 Block: 21 Lot/Parcel: 6 Zoning District: 2R |                                 |                                   |  |  |  |
|           | Applicant. Edv   | vard R. Baldwin (Baldv          | vin & Franklin Architects         | )  |  |  |
|           | 1  | plicant if not owner:Archite    | ,                                 |  |  |  |
|           | Address: 73  | Washington Avenue, Ha           | stings on Hudson, NY 1            | 0706   |  |  |
|           |  | number: 914 693 5324            |                                   |  |  |  |
|           |  | . nedbaldwin@optonline          |                                   |  |  |  |
|           | ZBA action requ  | uested for (See §295-146B & C : | Use Variance/s; ✓ Interpretation; | Area Variance/s; View Preservation (See §295-82) |  |  |
|           | List code sections & provisions from which the variance or interpretation is requested:                                |                                 |                                   |  |  |  |
|           | Section*   | Code Provision*                 | Existing Condition*               | Proposed Condition*                              |  |  |
| 295-65A+  | 195-70 2a  | FRONT YARD 30 MIN.              | 5.6'                              | GXTENSION OF MONCONFORMITY                       |  |  |
| 295-55 Az | 295-70 с   | SIDE YARDS (121 4181)           | 4.6'                              | 17 U U   |  |  |
|           |  |                                 |                                   | ON CONFORMITY                                    |  |  |
|           |  | LOT COVERAGE 25%                | 44.9%                             | 48%  |  |  |
|           |  | DECK CAN PROJECT 6"             | SIDEYALD 1 6.5'                   | 8.6  |  |  |
|           |  | MAX INTO PERVICED<br>SIDE YARD  | SIDE YALD Z 0.0'                  | 0.5  |  |  |
|           | *See example   | below:                          |                                   | 2  |  |  |
|           |  | Parmitted Principal Line        | Spriet and the second             | Consequence Derivatives                          |  |  |

# **VILLAGE OF HASTINGS-ON-HUDSON**

Zoning Board of Appeals Zoning Analysis



#### **ZONING REQUIREMENTS:**

| YARD SETBACKS         |
|-----------------------|
| (Principal Structure) |

|                    | REQUIRED | EXISTING | PROPOSED             |
|--------------------|----------|----------|----------------------|
| FRONT              | 30' MN   | 5,6'     | NON CONFORMITY GIG   |
| REAR               | 301 MIN  | 39.8'    | 35.8'                |
| SIDE ONE           | 18' MN   | 1.9'     | NOW GINEDRIMITY SOIL |
| SIDE TWO           | 12' MN   | 2.7'     | 2.7'                 |
| TOTAL OF TWO SIDES | 30' MN   | 4.6'     | 4.6'                 |

### YARD SETBACKS (Accessory Structure)

|                    | REQUIRED : | EXISTING  | PROPOSED |
|--------------------|------------|-----------|----------|
| TO PRINCIPAL BLDG. | N/A        | 177 122 1 |          |
| REAR               | N/A        |           | (4)      |
| SIDE               | N/A        |           | 1        |

### **BUILDING HEIGHT**

|         | PERMITTED | EXISTING | PROPOSED |
|---------|-----------|----------|----------|
| STORIES | 2'/2      | 21/2     | 21/2     |
| FEET    | 351       | 341      | 35'      |

### LOT COVERAGE

|  | PERMITTED    | EXISTING | PROPOSED |
|--|--------------|----------|----------|
| LOT AREA                                   | 10,000 SF MN | 2,557 SF | 2,557 5F |
| *BLDG. COVERAGE/<br>% OF LOT AREA          | 25%          | 44.9%    | 48%      |
| *DEVELOPMENT<br>COVERAGE/<br>% OF LOT AREA | 40%          | 61.3%    | 61.3%    |

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

### OCCUPANCY AND USE

|               | PERMITTED  | EXISTING   | PROPOSED      |
|---------------|------------|------------|---------------|
| CURRENT USE** | TWO FAMILY | TWO FAMILY | SINGLE FAMILY |

<sup>\*\*</sup> 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  |
|---|--|--|---|
|   |  |  |   |
| lone  | ations on this property if any:  |  |   |
|   | oved site plan for this property?:   |  | (No   |
| Is there an Acce  | ssory Apartment at this property?:   | (Yes)  |   |
| Does this proper  | ty have Boarder's Permit?:   | (Yes)  |   |
|   | ssary and demonstrate how the variance some criteria for the two types of variances and wish you may also state your arguments.  |  | etation is sought,  |
| explain the issue<br>ubmit a flash drive and<br>roperty survey showing<br>hotographs, etc. as nec   | The criteria for the two types of variances  | ument for how the issue sho<br>copies (commercial), of the applic<br>er supporting documents (plans, of<br>ith required fee, to the Office of the                        | retation is sought, uld be resolved.)   |
| explain the issue<br>ubmit a flash drive and<br>roperty survey showing<br>hotographs, etc. as nec   | The criteria for the two types of variances. If you wish you may also state your argula total of three (3) copies (residential) or eight (8) the existing and proposed construction and all oth essary to describe and support your application) when you have a support your application of the Zonir RK  | ument for how the issue sho<br>copies (commercial), of the applic<br>er supporting documents (plans, of<br>ith required fee, to the Office of the                        | retation is sought, uld be resolved.) cation along with the drawings, site maps.                          |
| explain the issue ubmit a flash drive and roperty survey showing hotographs, etc. as necess than four (4) weeks TATE OF NEW YO COUNTY OF WEST hereby depose and | The criteria for the two types of variances. If you wish you may also state your argula a total of three (3) copies (residential) or eight (8) the existing and proposed construction and all oth essary to describe and support your application) where you is the date of scheduled meeting of the Zonir RK CHESTER ss.:  It say that all of the above statements and the say that all of the above statements and the say that all of the above statements. | ument for how the issue sho<br>copies (commercial), of the applic<br>er supporting documents (plans, of<br>ith required fee, to the Office of the<br>g Board of Appeals. | retation is sought, uld be resolved.) cation along with the drawings, site maps, he Building Inspector, r |

# **VILLAGE OF HASTINGS-ON-HUDSON**



Zoning Board of Appeals

<u>Application and Procedure for Application for Variance/Interpretation/View Preservation</u>

| Name: Rafaela Men                            | ria Debattue                 | 21a being duly s                            | worn denoses and sav   | s tha |
|--|------------------------------|---|--|-------|
| he/she resides at 10 May                     | de Lare #2                   |   | e Village of Hastings-on   |       |
| Hudson in the County of Westchest            | er, in the State of New Yo   |   |  |       |
| parcel of land, in fee, lying and bein       | g in the Village of Hasting  | s-on-Hudson afores                          | aid and known and  |       |
| designated as Sheet 4,30                     | Block 21                     | _and Lot                                    | of the tax map, and t  | that  |
| he/she hereby authorized BALD                | WIN & FRANKL                 | IN Architectus                              | make the annexed   |       |
| application in his/her behalf and tha        | it the statement of fact cor | ntained in said applic                      | cation are true.   |       |
| STATE OF NEW YORK COUNTY OF WESTCHESTER ss.: |                              |   |  |       |
| Rafaela Malia.                               | De La Huert                  |   |  |       |
| SWORN TO BEFORE ME THIS                      | 542<br>DAY                   |   |  |       |
| Notaky Bublic                                |                              | NOTARY PUBLIC-<br>No. 01i<br>Qualified In W | HOUGHTELING<br>STATE OF NEW YORK<br>HO6379161<br>estchester County<br>Expires 08-06-2022 |       |

### **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.

#### § 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.

2 0 4 10g - 45 gar

#### 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 <u>C</u> 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.

# INDEX OF DRAWINGS

**SURVEY** 

L-1 LOCATION PLAN SHOWING THE SITE AND ITS NEIGHBORS WITHIN 300' RADIUS.

**PHOTOS** RELEVANT PHOTOS

S-1E EXISTING SITE PLAN SHOWING EXISTING STRUCTURES & ALL REQUIRED

SETBACK LINES.

S-1P PROPOSED SITE PLAN SHOWING PROPOSED CONDITIONS AND REQUIRED

SETBACK LINES.

AB-0 AS-BUILT BASEMENT PLAN

**AB-1** AS-BUILT FIRST FLOOR PLAN

AB-1B AS-BUILT REAR YARD PLAN

AB-2 AS-BUILT SECOND FLOOR PLAN

AB-3 AS-BUILT THIRD FLOOR PLAN

A-0 PROPOSED BASEMENT PLAN

A-1 PROPOSED FIRST FLOOR PLAN

A-1B PROPOSED REAR YARD & DECK PLAN

A-2 PROPOSED SECOND FLOOR PLAN

A-3 PROPOSED THIRD FLOOR PLAN

A-4 EXISTING & PROPOSED NORTH ELEVATION

A-5 EXISTING & PROPOSED SOUTH ELEVATION

**A-6E** EXISTING WEST ELEVATION

A-6P PROPOSED WEST ELEVATION

# **OWNERS:**

Rafaela de la Huerta & Andrew Tucker 10 Maple Lane Hastings-on-Hudson, NY 10706 (914) 479 8277

# **ARCHITECTS:**

Baldwin & Franklin Architects 73 Washington Avenue Hastings-on-Hudson, N.Y. 10706 (914) 693 5324

# **CONTRACTOR:**

**TBD** 

I O R L T E R A T N E R 0 Α E W E & K N W R E R

10 MAPLE LANE HASTINGS-on-HUDSON, N.Y. 10706

#### "AS- BUILT" SURVEY OF NUMBER 10 MAPLE LANE

SITUATED IN THE VILLAGE OF HASTINGS-ON-HUDSON TOWN OF GREENBURGH **COUNTY OF WESTCHESTER** STATE OF NEW YORK

PREPARED BY:

MIHALCZO LAND SURVEYING PLLC 24 BERKSHIRE ROAD YONKERS, NEW YORK 10710 (914) 476-1453 (914) 969-2341 FAX

Edward G. Mitalcyo EDWARD G. MIHALCZO, L.S. N.Y.S. LICENSE # 36181

DATE: AUGUST 8, 2019

SURVEY PREPARED FOR:

ANDREW J. TUCKER AND RAFAELA DE LA HUERTA

THIS "AS-BUILT" SURVEY WAS PREPARED ARCHITECTURAL DESIGN PURPOSES AND BUILDING DEPARTMENT REVIEW

THERE WERE NO STAKES SET AS PART OF THIS SURVEY

THIS SURVEY IS NOT TO BE USED FOR "TITLE" PURPOSES

THIS SURVEY IS NOT TO BE UPDATED BY "VISUAL INSPECTION"

ALL CERTIFICATIONS HEREON ARE VALID FOR THE MAP ALL CERTIFICATIONS HERBON ARE VALID FOR THE MAP AND COPIES THERBOF ONLY IF SAID MAP OR COPIES BEAR THE IMPRESSED SEAL OF THE SURVEYOR WHOSE SIGNATURE APPEARS HERBON

GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS

UNAUTHORIZED ALTERATION OF THIS DOCUMENT IN ANY WAY CONSTITUTES A VIOLATION OF THE NEW YORK STATE EDUCATION LAW 7209(2)

COPYRIGHT 2019 MIHALCZO LAND SURVEYING PLLC ALL RIGHTS RESERVED INCLUDING RIGHTS OF REPRODUCTION

THIS SURVEY IS BASED UPON INFORMATION PROVIDED BY CLIENT OR CLIENT'S REPRESENTATIVE AND SUBJECT TO THE FINDINGS OF A COMPLETE TITLE REPORT

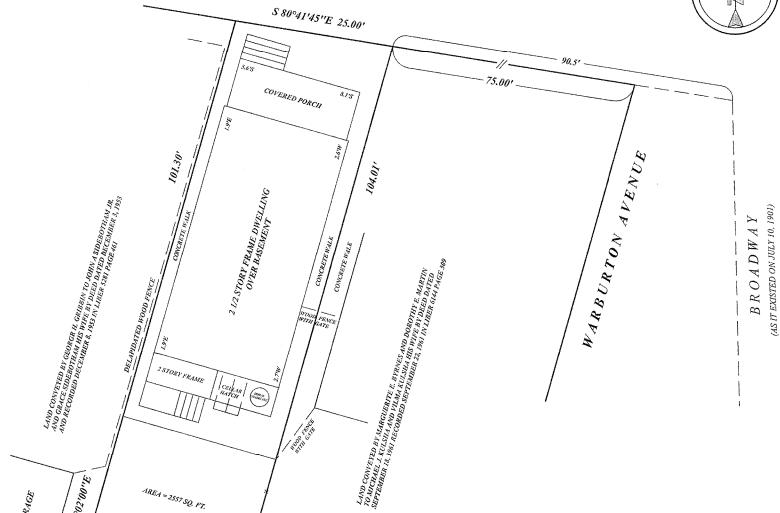
WOOD FENCE 1.9'S

N 74°28'40"W 25.00, LOT 3 AS PER FILED MAP # 266

ENCROACHMENTS BELOW GRADE AND OR SUB GRADE

 $M_{APLE}$   $L_{ANE}$ (FORMERLY STEPHAN'S LANE)



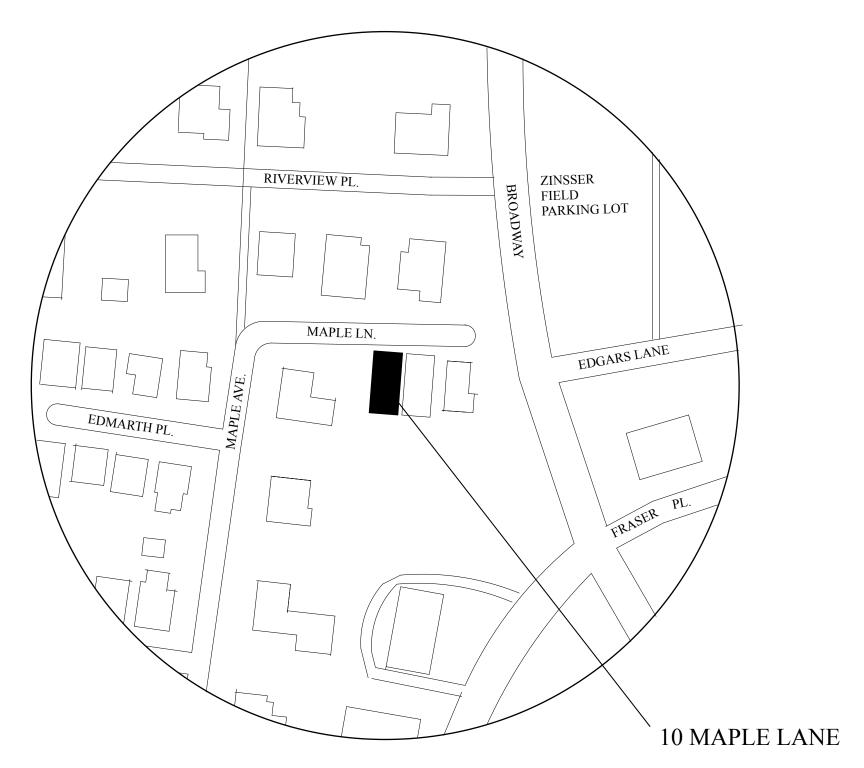


PARCEL ALSO KNOWN AS PORTION OF LOT 2 SHOWN ON MAP ENTITLED "MAP OF VALUABLE PROPERTY BELONGING TO H. KATTENHORN ", SAID MAP FILED IN THE WESTCHESTER COUNTY CLERK'S OFFICE ON JULY 5, 1855 MAP NUMBER 266

TAX DESIGNATION

SECTION: 4.30 BLOCK: 21 LOT: 6

C:\SIGHTSRVRO266.ZAK





# LOCATION PLAN SHOWING THE SITE AND ITS NEIGHBORS WITHIN 300' RADIUS

| <b>Baldwin &amp; Franklin Architects</b> |
|--|
| 73 Washington Avenue                     |
| Hastings-on-Hudson, N.Y. 10706           |

Tel: (914) 693 5324 Fax: (914) 693 5676

| Project | 10 MAPLE LANE                  |
|---------|--------------------------------|
|         | HASTINGS-ON-HUDSON, N.Y. 10706 |

Sheet Title LOCATION PLAN

Date 07 NOV. 2019 Scale Project No.

Drawn

Sheet No.



1901

AR

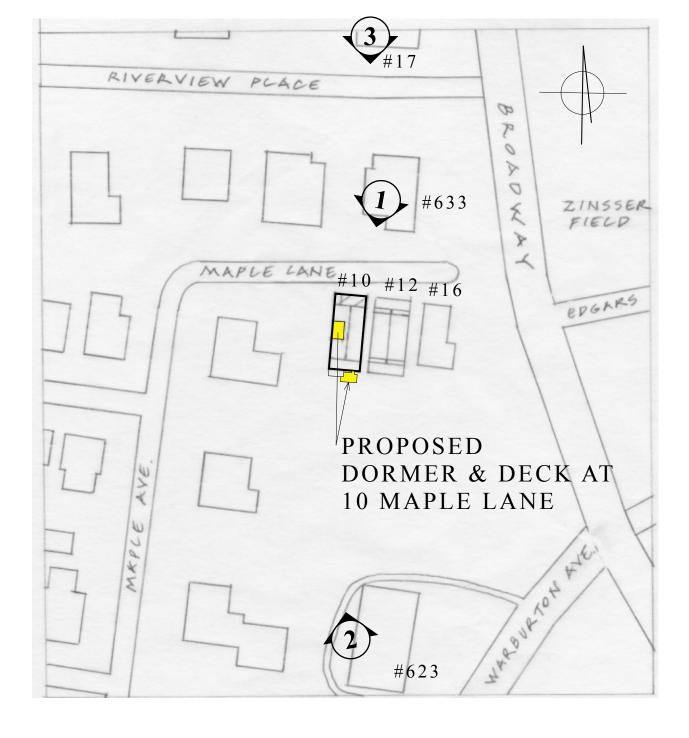




PHOTO TAKEN FROM
PARKING LOT OF
623 BROADWAY
OFFICE BUILDING



3 PHOTO TAKEN FROM SIDEWALK OF 17 RIVERVIEW PLACE



PHOTO SHOWING
EXISTING CONDITIONS.
NOTE FULL LENGTH NEW
DORMERS AT #12 MAPLE
LANE ON BOTH EAST &
WEST SIDES OF ROOF.

PHOTO TAKEN FROM THIRD FLOOR OF 633 NORTH BROADWAY



SAME PHOTO
SHOWING
PROPOSED DORMER
AT #10 MAPLE LANE.

### **Baldwin & Franklin Architects**

73 Washington Avenue Hastings-on-Hudson, N.Y. 10706

Tel: (914) 693 5324 Fax: (914) 693 5676

| Project | 10 MAPLE LANE                  |
|---------|--------------------------------|
|         | HASTINGS-ON-HUDSON, N.Y. 10706 |

Sheet Title RELEVANT PHOTOS

| Date  | 07 NOV2019 | Sheet No. |
|-------|------------|-----------|
| Scale |            |           |

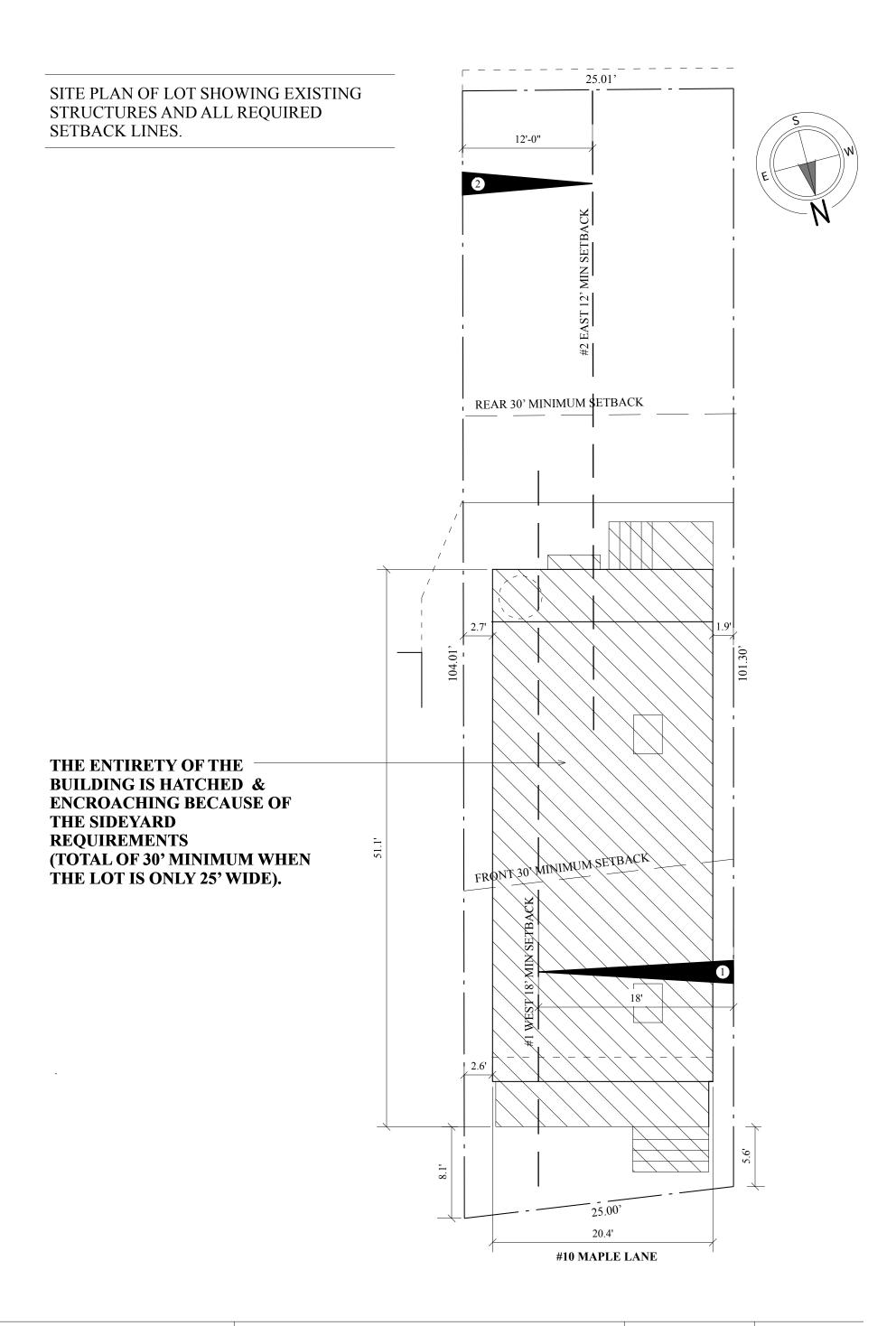
Project No.

Drawn

1901

AR

**PHOTOS** 



| <b>Baldwin &amp; Franklin Architects</b> | Project     |
|--|-------------|
| 73 Washington Avenue                     |             |
| Hastings-on-Hudson, N.Y. 10706           | Chaot Title |

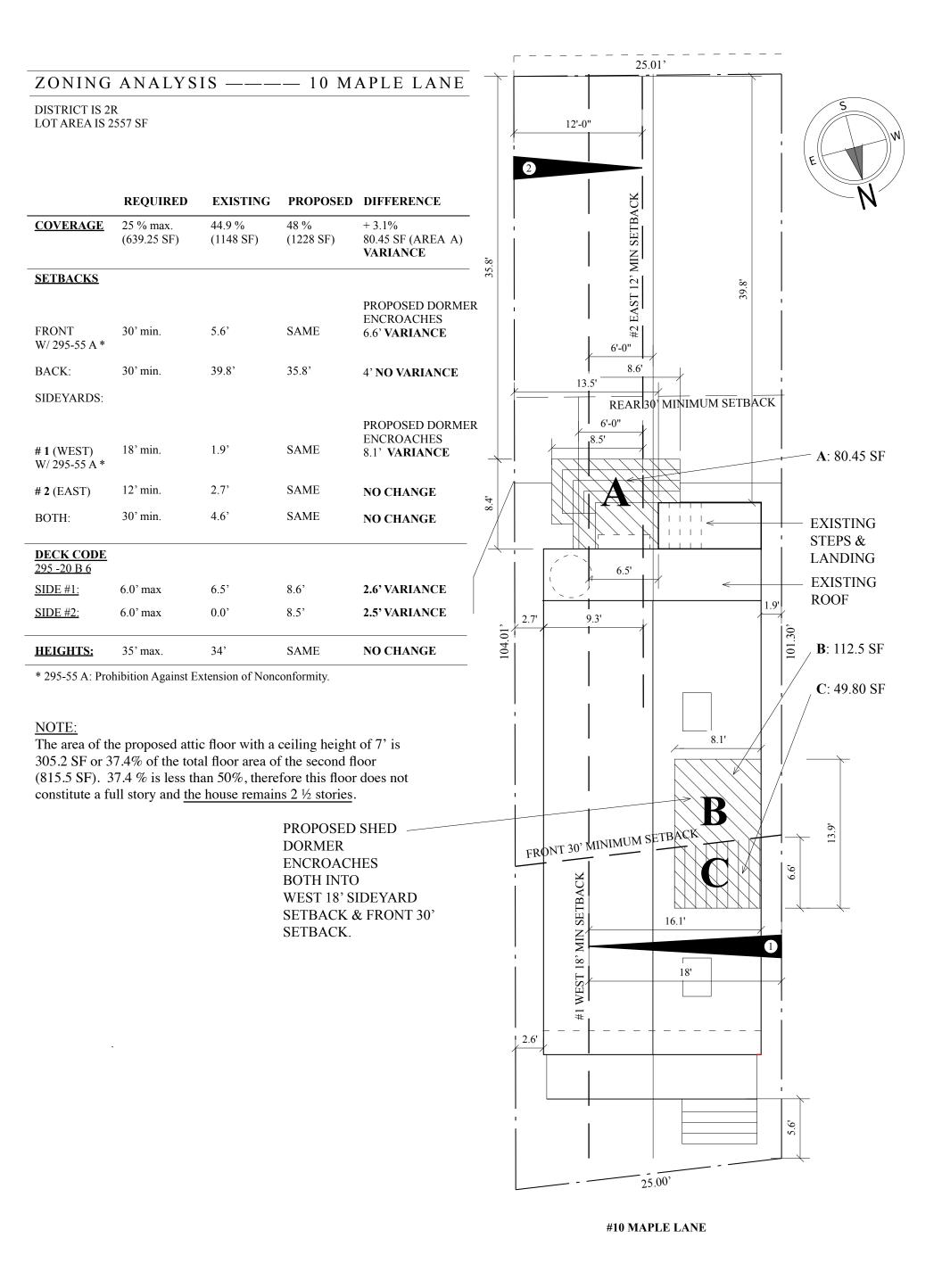
Tel: (914) 693 5324 Fax: (914) 693 5676

| Project     | 10 MAPLE LANE                  | Date 07     | 7 NOV. 2019 |
|-------------|--------------------------------|-------------|-------------|
|             | HASTINGS-ON-HUDSON, N.Y. 10706 | Scale       | 1/8"=1'-0'  |
| Sheet Title | EXISTING SITE PLAN             | Project No. | 1901        |

Sheet No.

Drawn

**S-1E** 

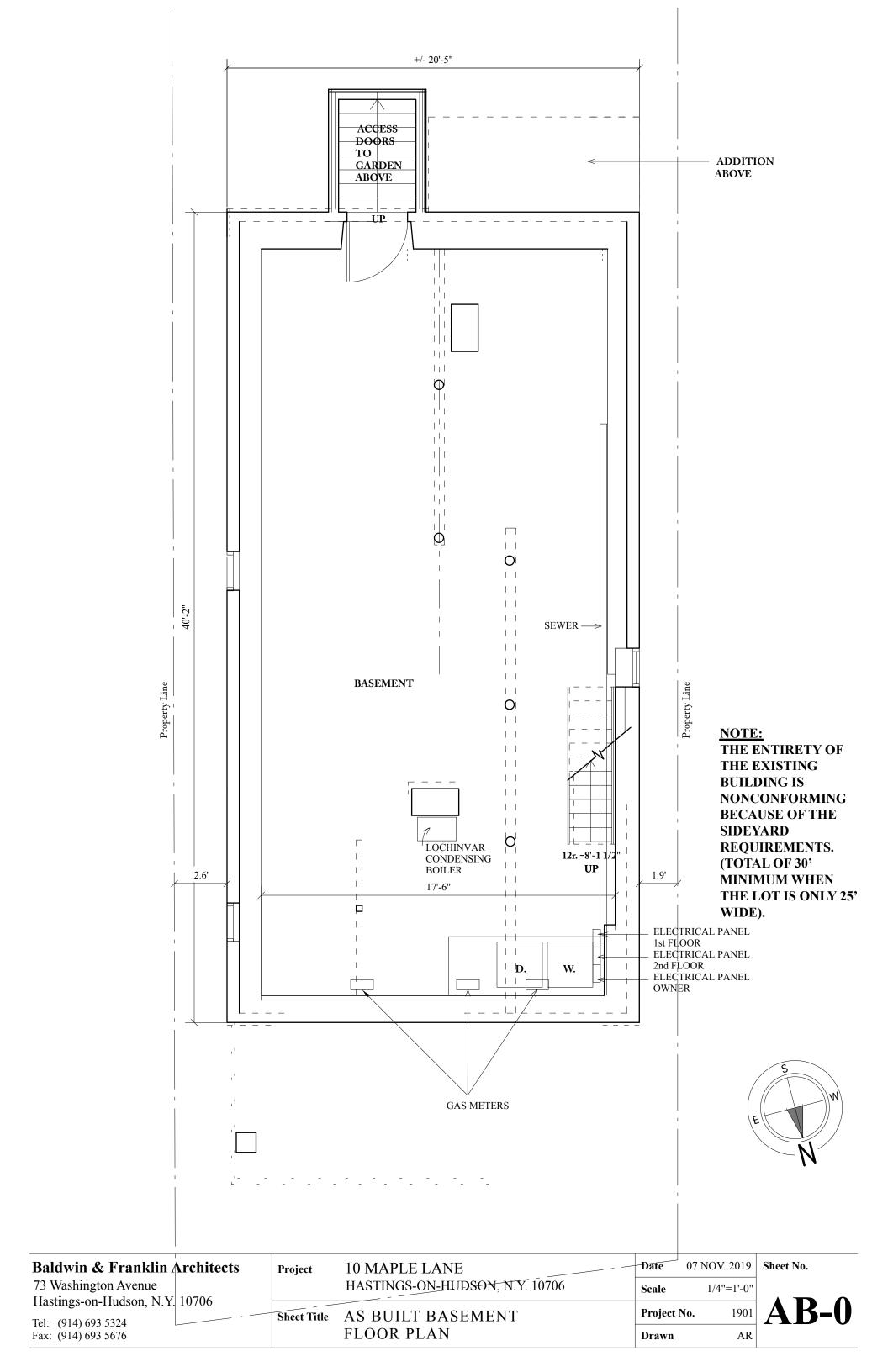


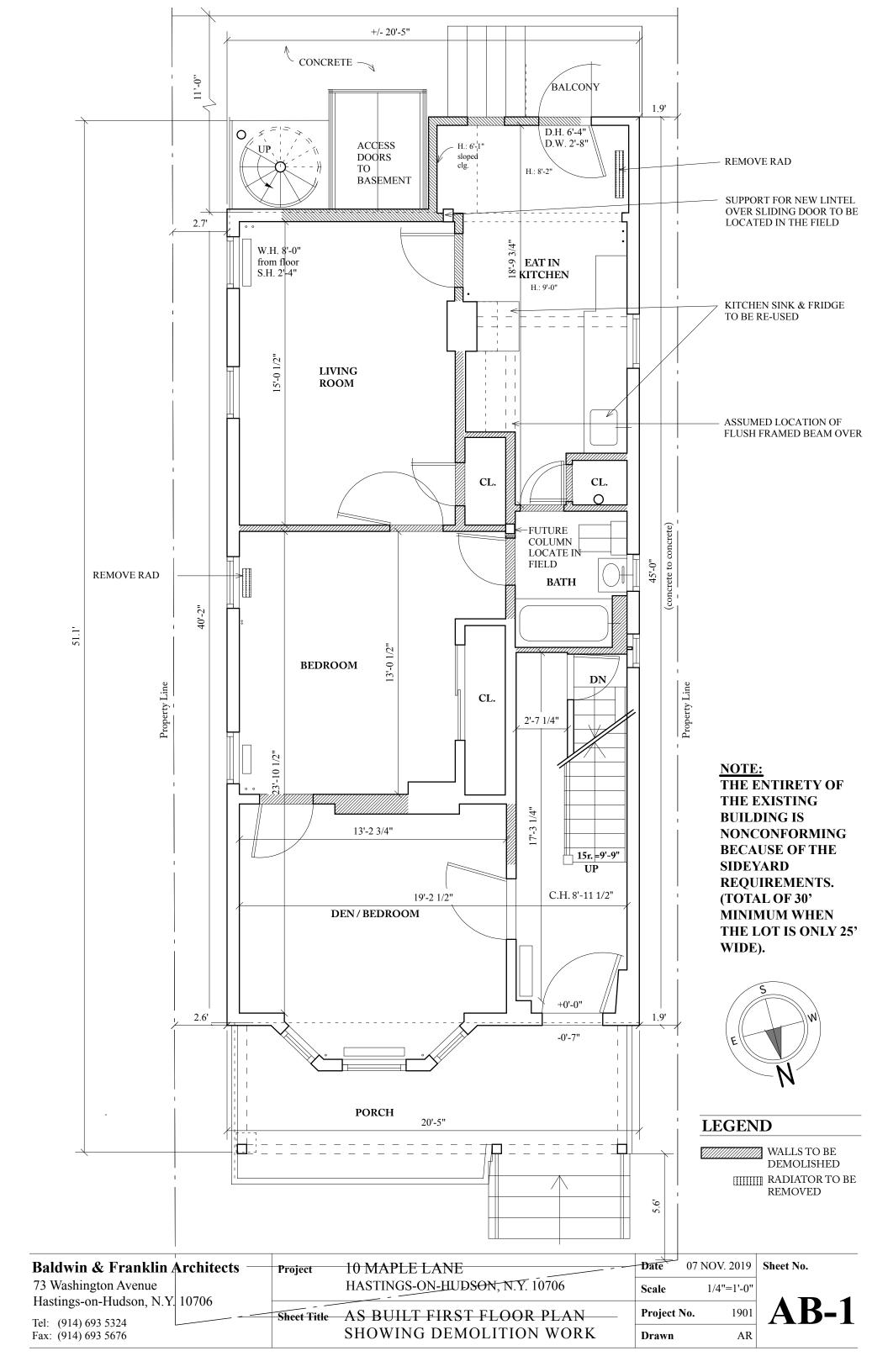
| <b>Baldwin &amp; Franklin Architects</b> | Project     | 10 MAPLE LANE                  | Date      | 07 NOV. 2019    | Sheet No.                            |
|--|-------------|--------------------------------|-----------|-----------------|--------------------------------------|
| 73 Washington Avenue                     |             | HASTINGS-ON-HUDSON, N.Y. 10706 | Scale     | 1/8"=1'-0"      | ~ 4 -                                |
| Hastings-on-Hudson, N.Y. 10706           | CI 4 TO 1   | DDODOCED CITE DI ANI           | Project 1 | <b>No.</b> 1901 | <b>S_1</b> P                         |
| Fel: (914) 693 5324                      | Sheet Title | PROPOSED SITE PLAN             | Troject   | 1701            | $\mathbf{D}_{-}\mathbf{I}\mathbf{I}$ |

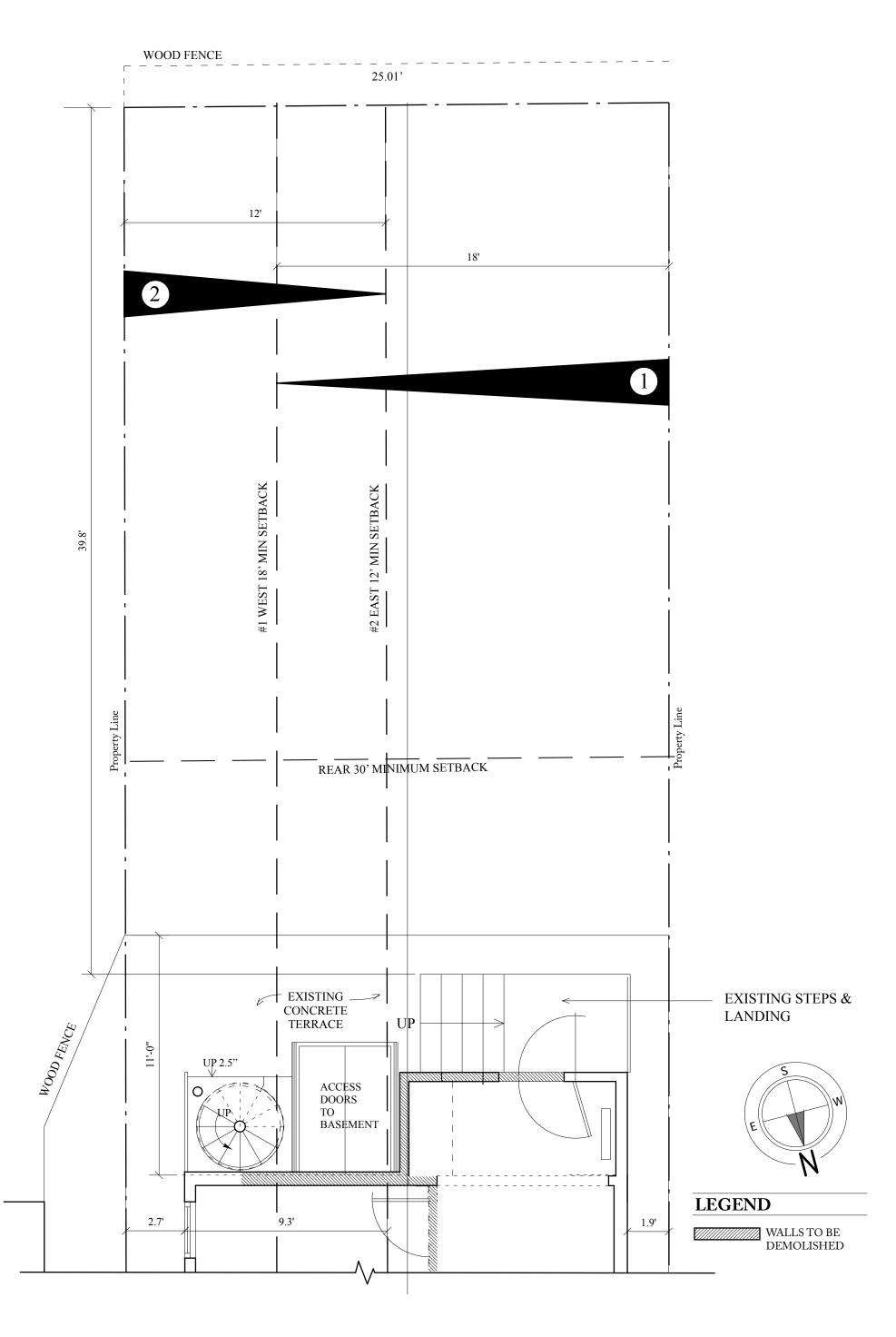
Drawn

AR

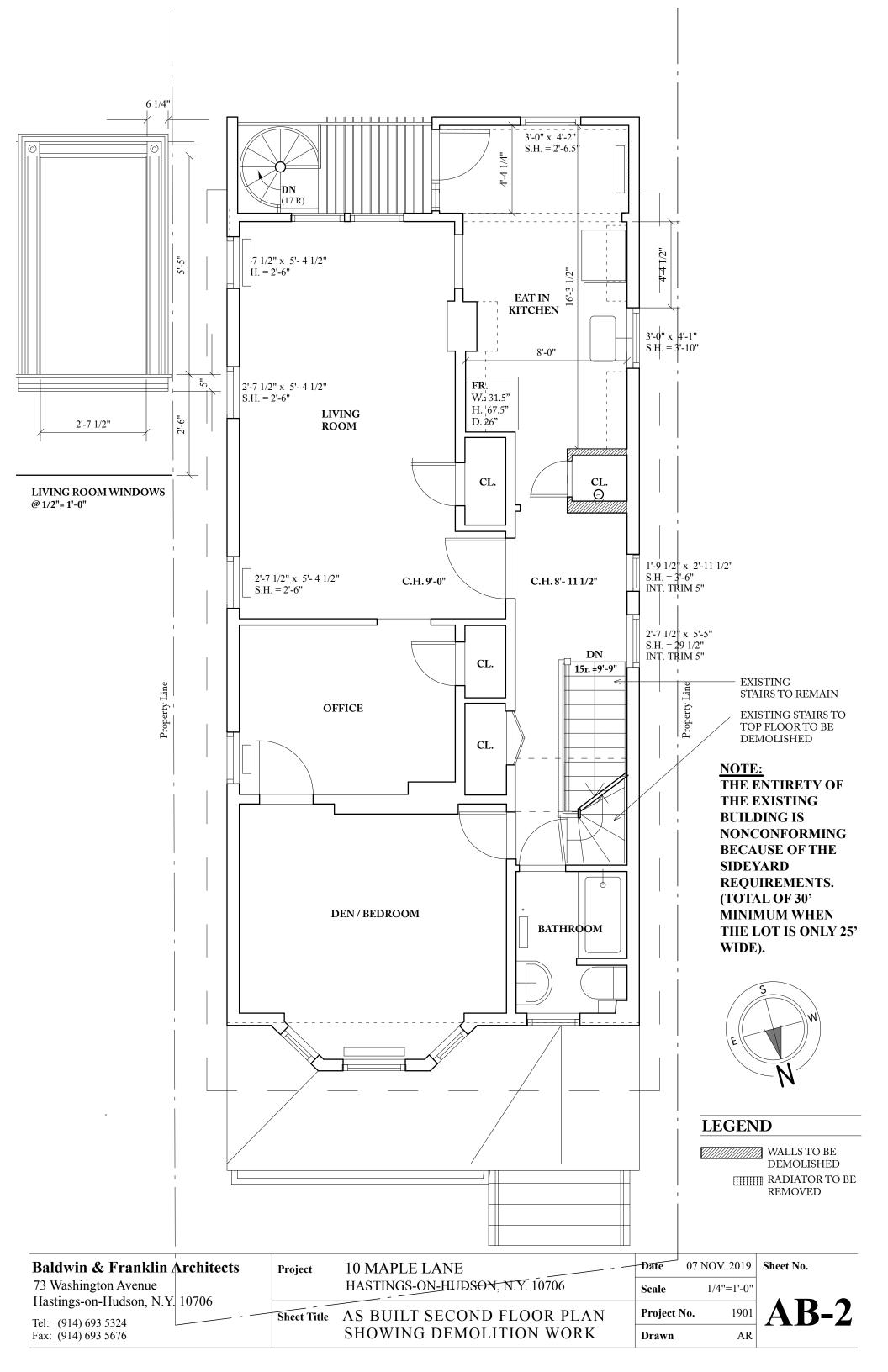
Tel: (914) 693 5324 Fax: (914) 693 5676

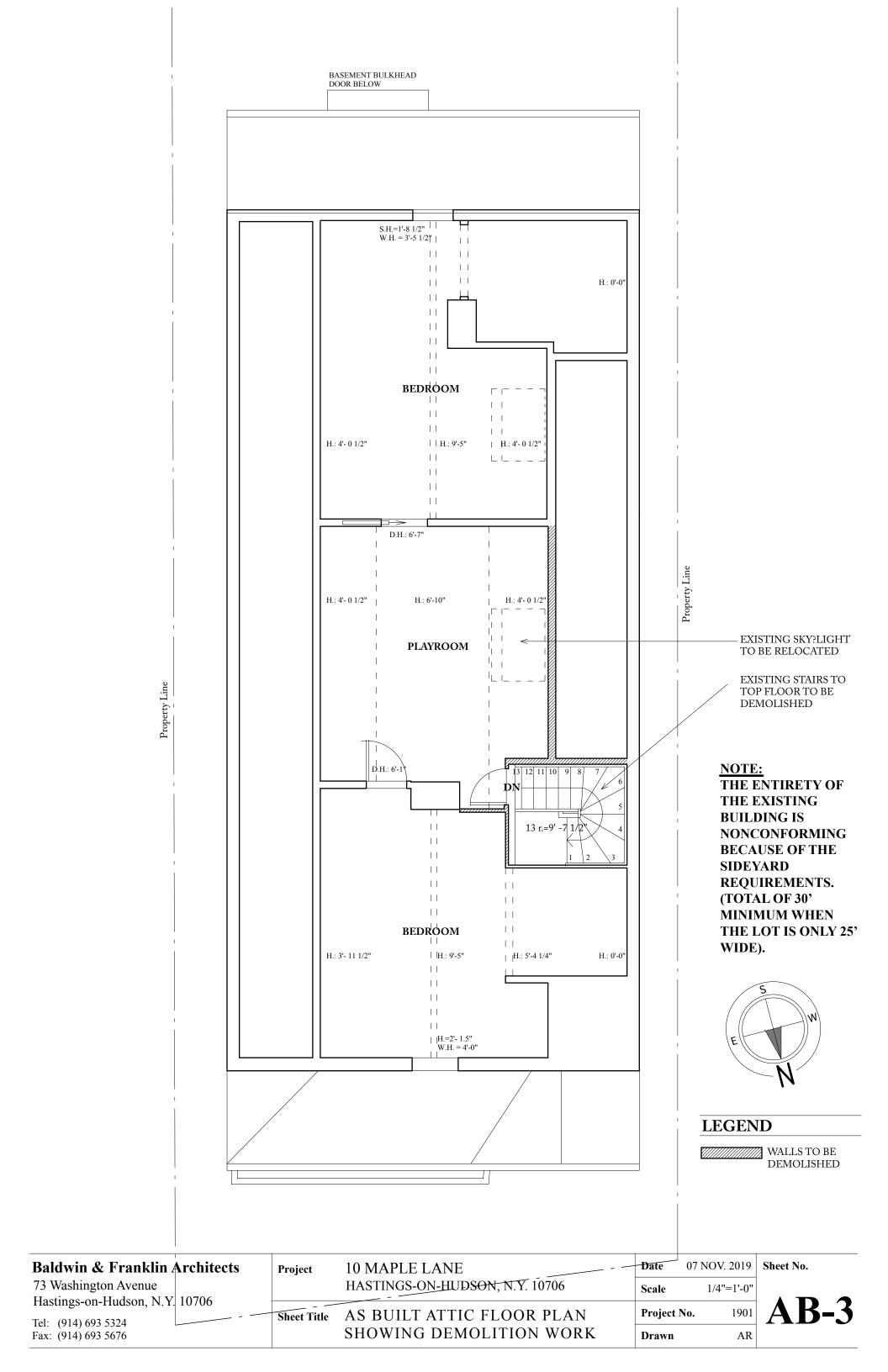


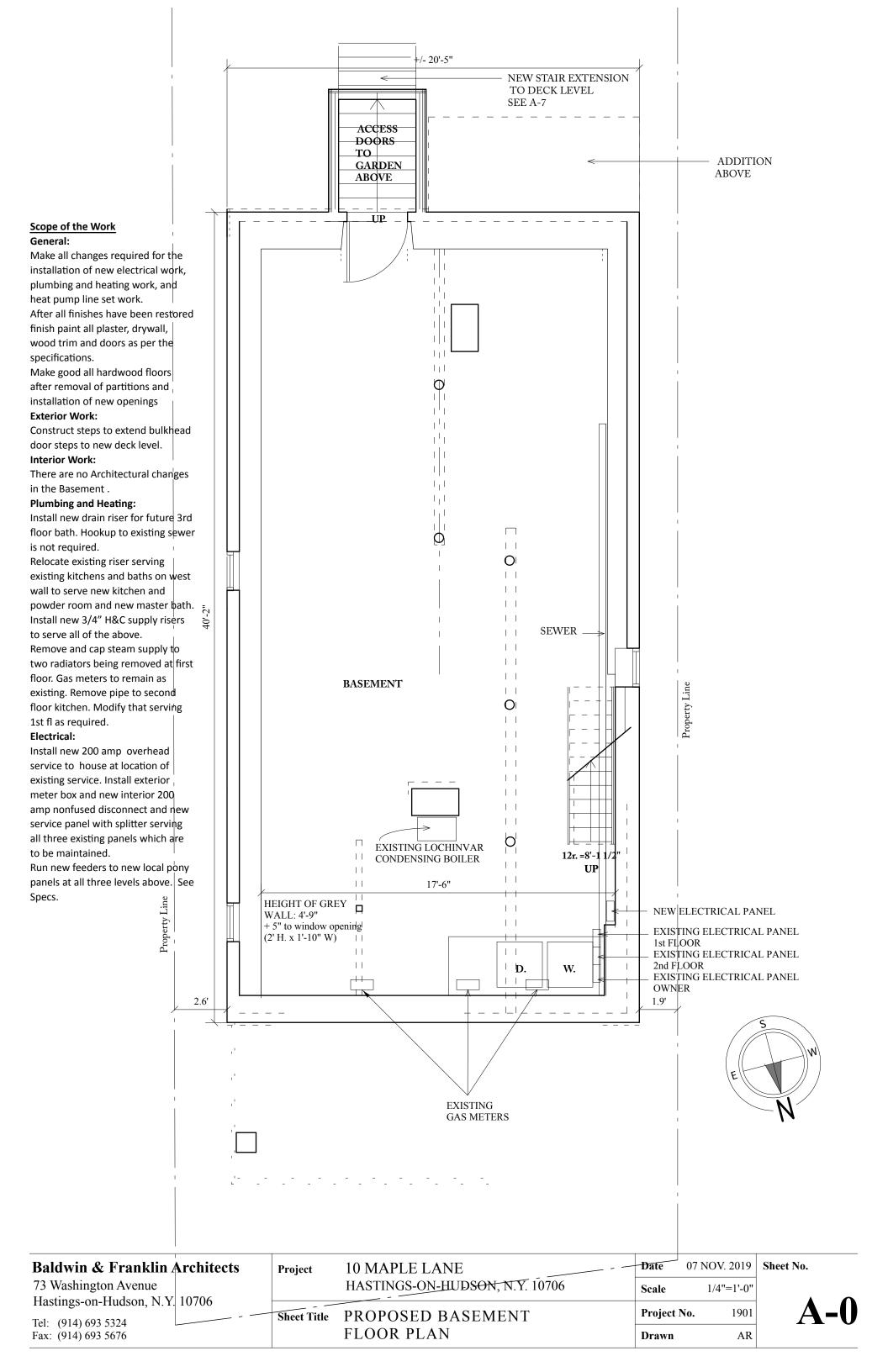


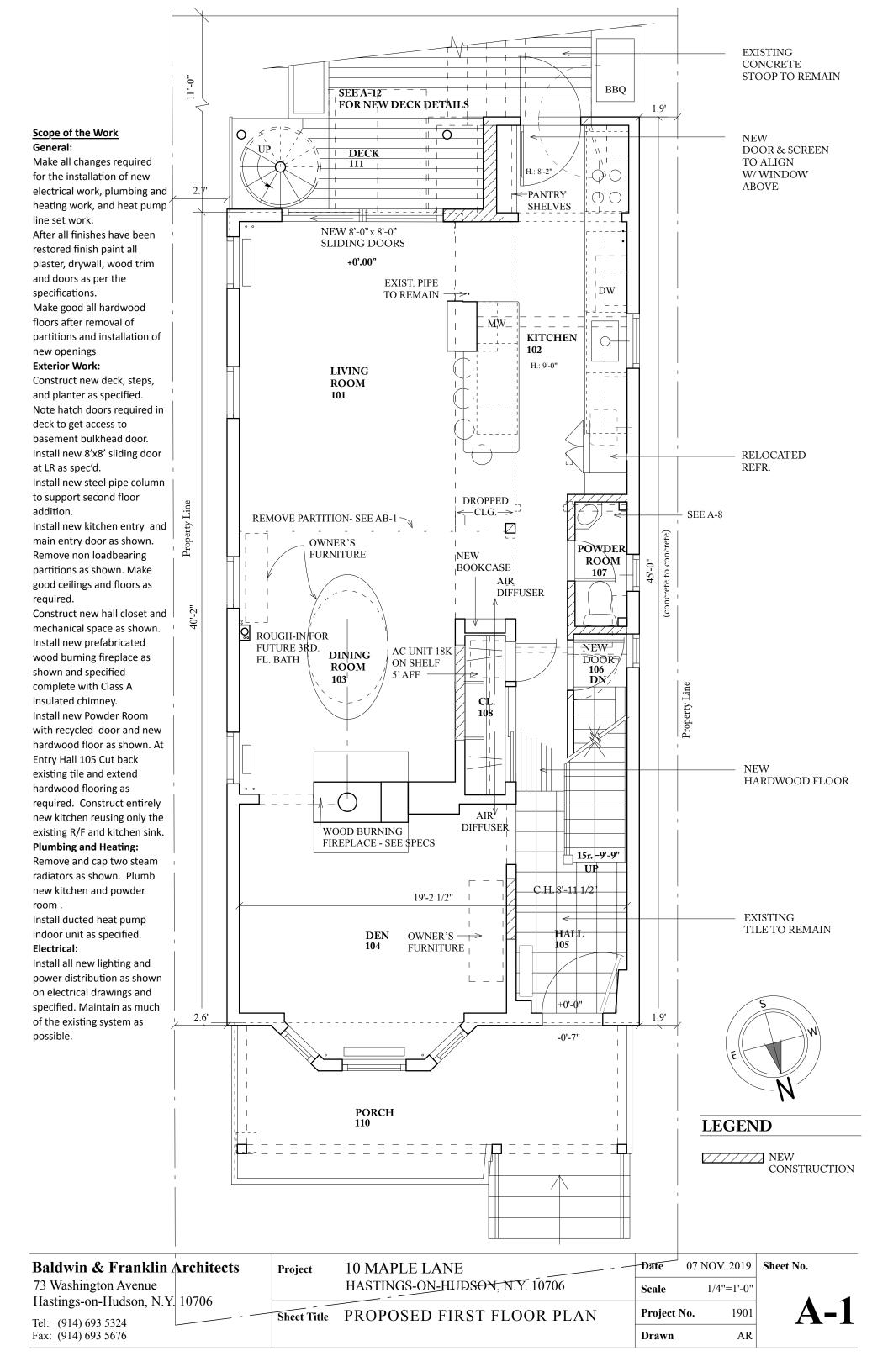


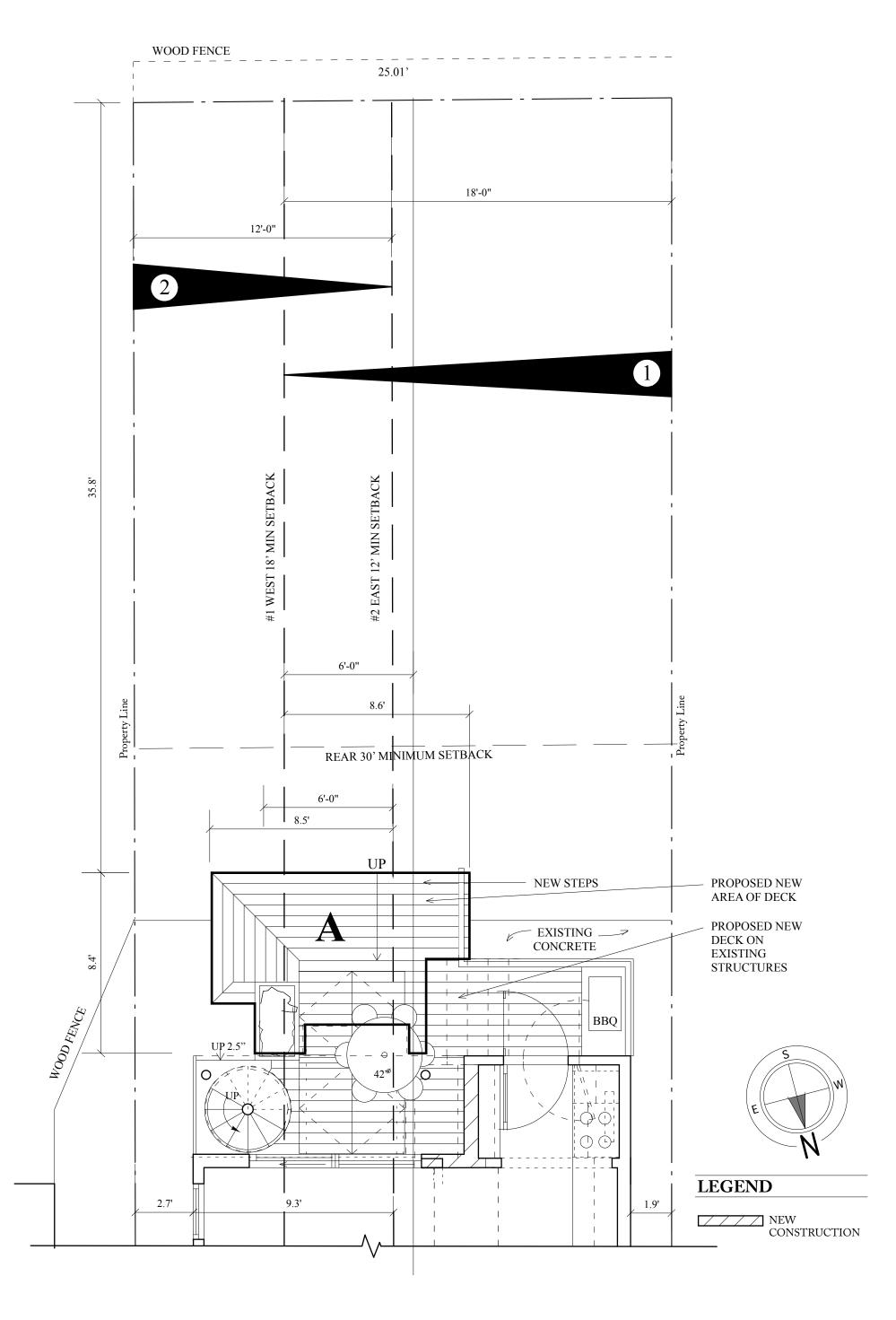
| Baldwin & Franklin Architects                       | Project     | 10 MAPLE LANE                  | Date      | 07 NOV. 2019    | Sheet No. |
|---|-------------|--------------------------------|-----------|-----------------|-----------|
| 73 Washington Avenue Hastings-on-Hudson, N.Y. 10706 |             | HASTINGS-ON-HUDSON, N.Y. 10706 | Scale     | 1/4"=1'-0"      |           |
| Tel: (914) 693 5324                                 | Sheet Title | EXISTING REAR YARD PLAN        | Project 1 | <b>No.</b> 1901 | AB-1B     |
| Fax: (914) 693 5676                                 |             |                                | Drawn     | AR              | AD-1D     |











| Baldwin & Franklin Architects  | Project     | 10 MAPLE LANE                  | Date 07     | ' NOV. 2019 | Sheet No.     |
|--|-------------|--------------------------------|-------------|-------------|---------------|
| 73 Washington Avenue Hastings-on-Hudson, N.Y. 10706  Tel: (914) 693 5324 Fax: (914) 693 5676 |             | HASTINGS-ON-HUDSON, N.Y. 10706 | Scale       | 1/4"=1'-0"  |               |
|  | Sheet Title | PROPOSED REAR YARD & DECK      | Project No. | 1901        | [ <b>A-</b> ] |
|  |             | PLAN                           | Drawn       | AR          |               |

**A-1B** 

