

February 8, 2023

Shea Labate Residence
27 Croton Avenue
Hastings on Hudson, NY

Dear ZBA Members,

On behalf of my clients, Kathy Shea and John Labate, I am requesting a variance from the strict interpretation of the zoning code.

The project they have asked me to help with includes a 129sf addition to their home comprising a garage extension at the basement level and an extension of their dining room above it; and a 200sf deck. Interestingly, the deck is conforming to the zoning requirements but the addition is not.

This family of four is outgrowing their home and more room is desperately needed. Thru a small extension the kitchen would be able to expand into the dining room and the dining area push out toward the back. The garage which does double duty as a storage would also benefit from an extension. The benefits of a kitchen level deck do not require any explanation.

There is a paper street (Baker Lane) on the south side of their property, making the required side setback 30'.

The existing house is non-conforming on that side. And while the proposed addition is set back more than 8' from that side of the house, what would otherwise be a very small non-conformity, is unfortunately a larger one.

We hope this small addition can be undertaken and we thank you for your consideration.

A handwritten signature in black ink, reading "Mitchell Koch". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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:.....REVISED 2/14/23

Property owner:.....KATHLEEN SHEA or JOHN LABATE
Property address:.....27 CROTON AVENUE
Name all streets on which the property is located:.....CROTON AVENUE AND BAKER LANE
SBL: 4.40-37-1.....Lot/Parcel:.....Zoning District:.....R-10

Applicant:.....MITCHELL KOCH
Standing of applicant if not owner:.....ARCHITECT
Address:.....76 MAIN STREET, IRVINGTON, NY
Daytime phone number:.....623-0230.....Fax number:.....
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* TO ADDITION
295-68.F(1)(c)	2 SIDE YARDS TOTAL 42'/MINIMUM 12'	16.4'/6.6'	21.2'/11.14'
.....
.....
.....
.....
.....

*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'	25.4'	NO CHANGE
REAR	30'	6.6'	52'
SIDE ONE SOUTH YARD	30'	6.6'	11.14' TO ADDITION
SIDE TWO NORTH YARD	12'	9.8'	NO CHANGE
TOTAL OF TWO SIDES	42'	16.4'	21.2'

YARD SETBACKS
(Accessory Structure)

	REQUIRED	EXISTING	PROPOSED
TO PRINCIPAL BLDG.			
REAR			
SIDE			

BUILDING HEIGHT

	PERMITTED	EXISTING	PROPOSED
STORIES	2.5	2.5	NO CHANGE
FEET	35	32.75'	NO CHANGE

LOT COVERAGE

	PERMITTED	EXISTING	PROPOSED
LOT AREA	10,000	5,776	NO CHANGE
*BLDG. COVERAGE/ % OF LOT AREA	2500/25 THIS LOT 1444/25	835/14.5	1164/20.1
*DEVELOPMENT COVERAGE / % OF LOT AREA	3500/35 THIS LOT 2022/35	1425/24.6	1724/30.2

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

OCCUPANCY AND USE

	PERMITTED	EXISTING	PROPOSED
CURRENT USE**	1 FAM	1 FAM	1 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 a flash drive and a total of three (3) copies (residential) or eight (8) copies (commercial), of the application along with the property survey showing the existing and proposed construction and all other supporting documents (plans, drawings, site maps, photographs, etc. as necessary to describe and support your application) with required fee, to the Office of the Building Inspector, no less than four (4) 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 _____ day
 of _____, 20__

 Notary Public

VILLAGE OF HASTINGS-ON-HUDSON

Zoning Board of Appeals

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



Name : KATHY SHEA OR JOHN LABATE, being duly sworn, deposes and says that he/she resides at 27 CROTON AVENUE 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 SBL: 4.40-37-1 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.

STATE OF NEW YORK
COUNTY OF WESTCHESTER ss.:

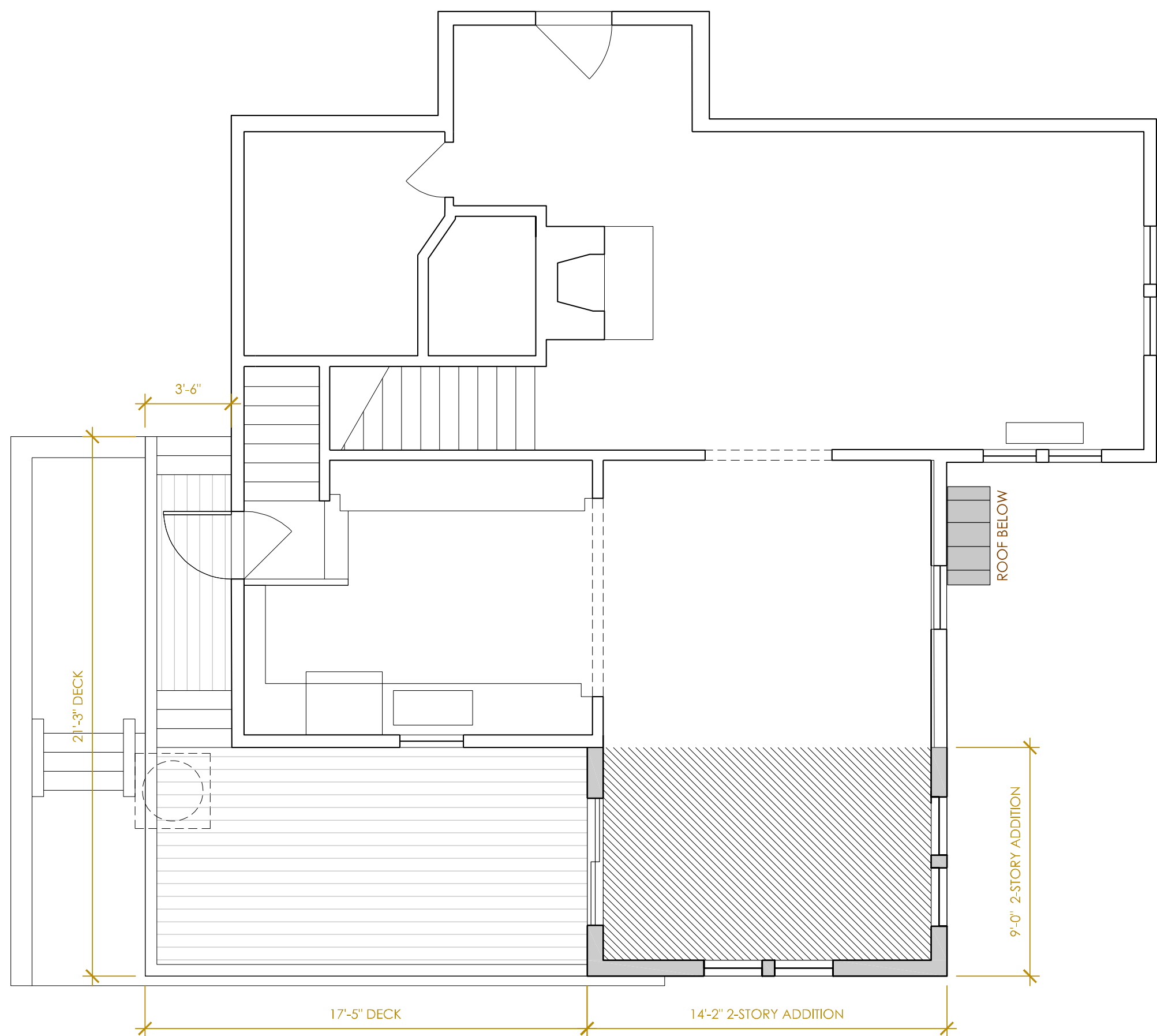
Owner

SWORN TO BEFORE ME THIS _____ DAY
OF _____ 20____

Notary Public

NOTICE

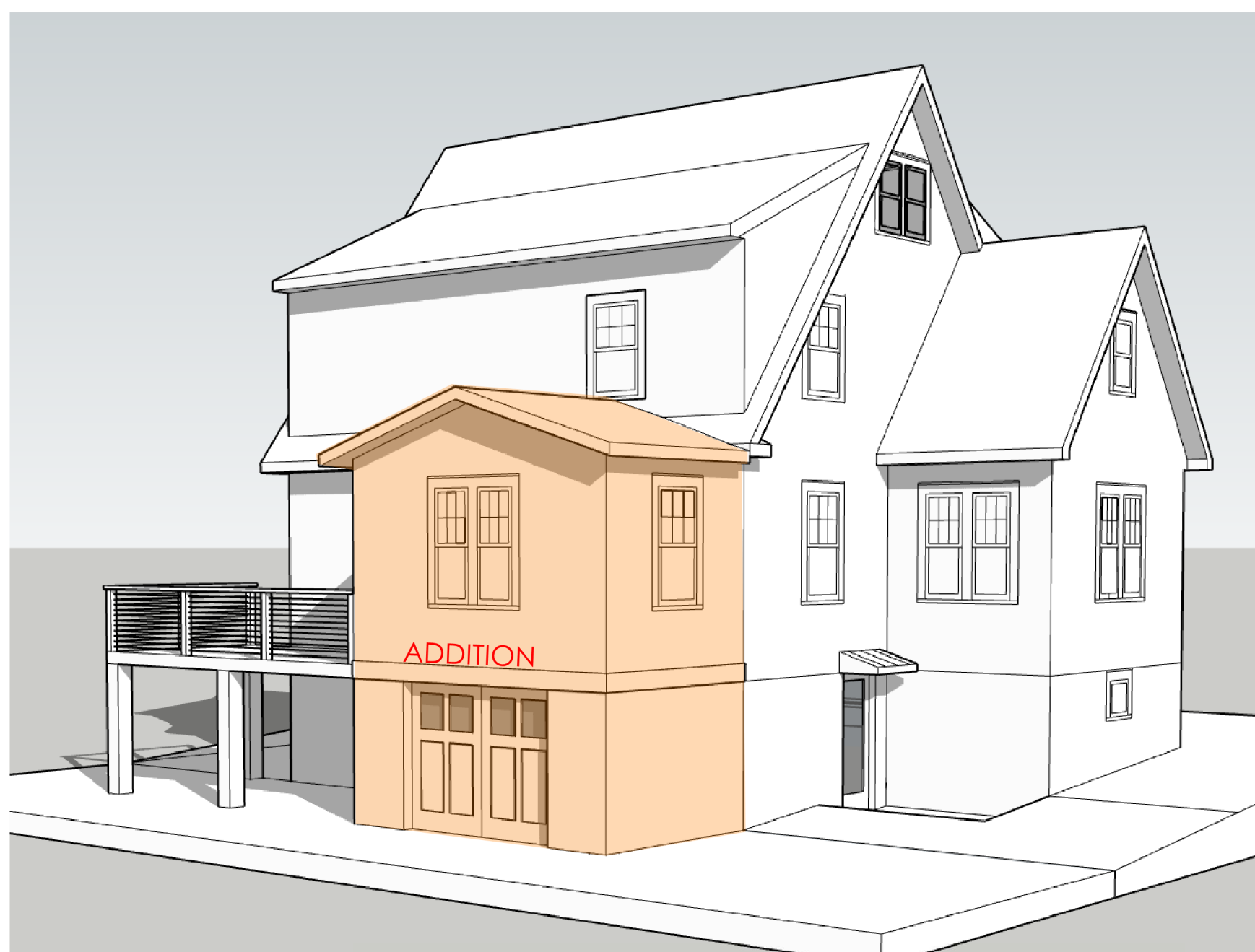
This application will not be accepted for filing unless accompanied by all necessary papers, plans and data, in accordance with the foregoing and as required by law.



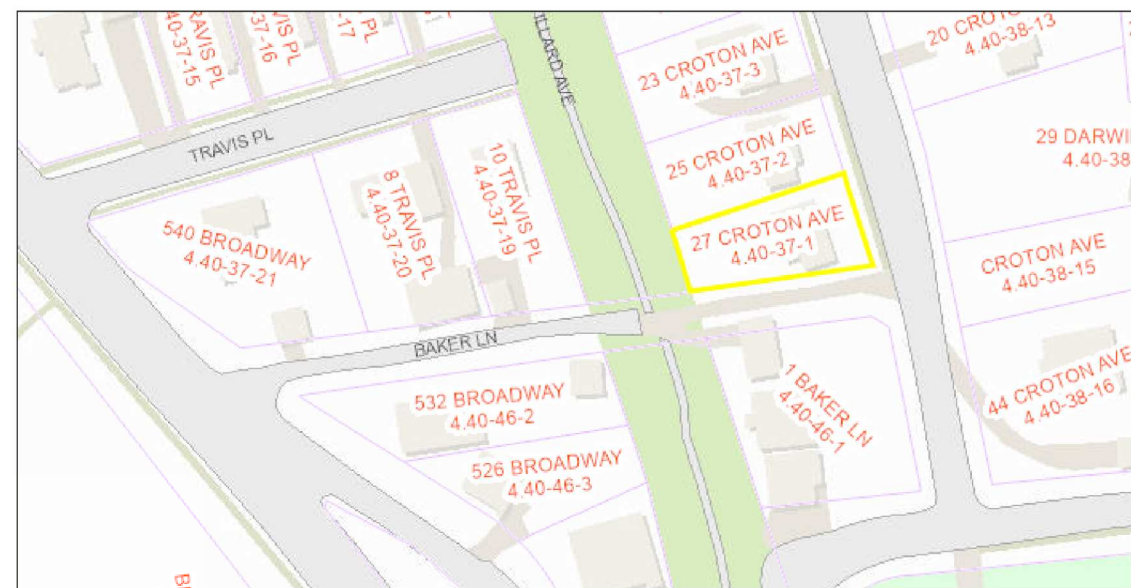
1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



2 WEST ELEVATION
SCALE: 1/4" = 1'-0"



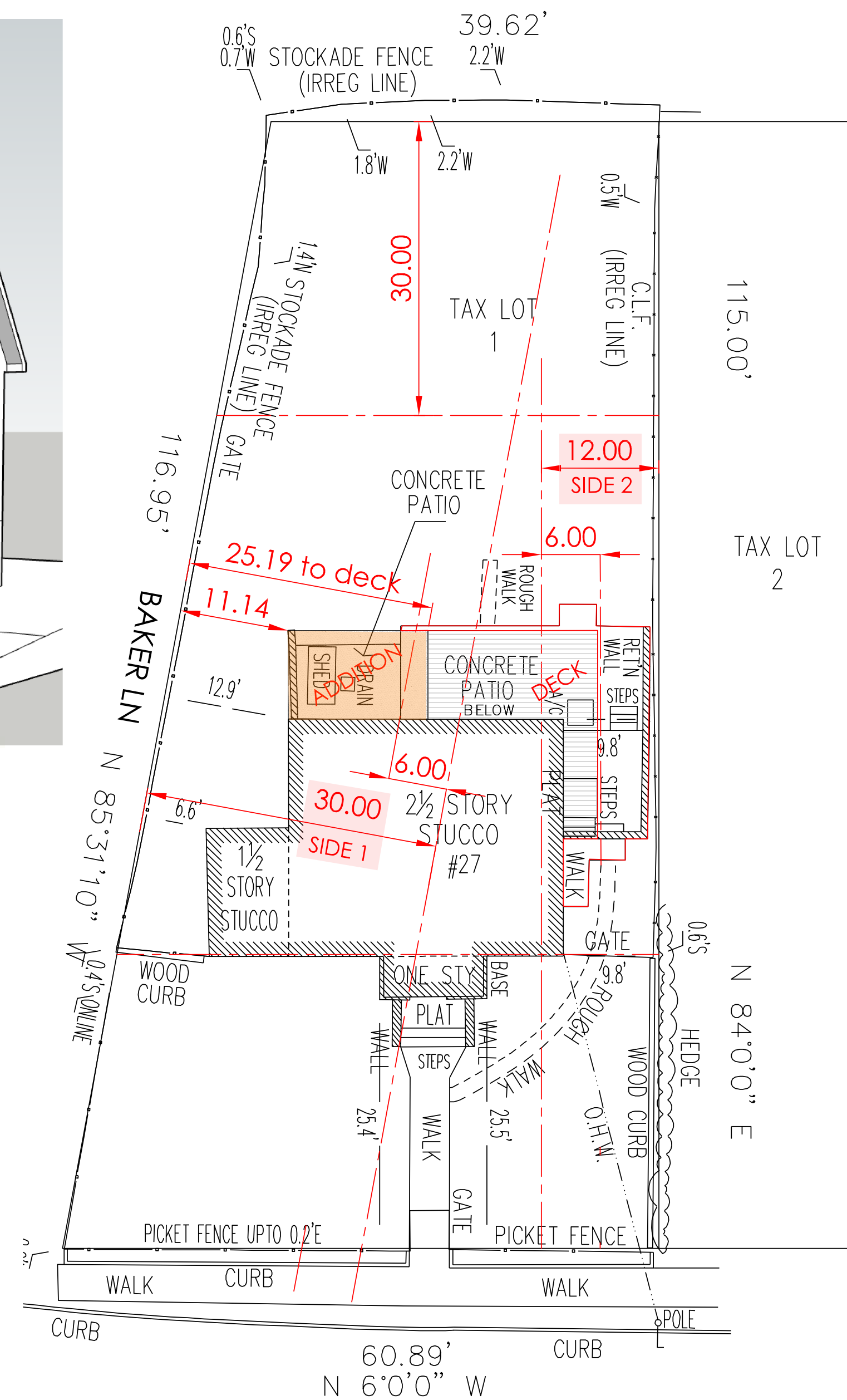
5 3D VIEW



LOCATION PLAN



3 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



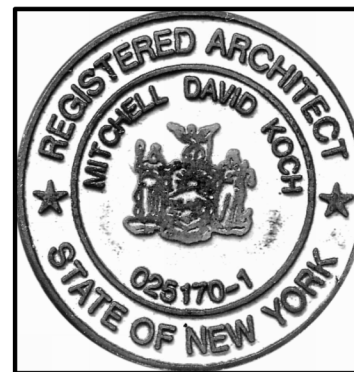
4 SITE PLAN
SCALE: 1"=10'

ZONING CALCULATIONS				
LOCATION:	27 CROTON AVENUE			
ZONING DISTRICT:	R-10			
SBL:	4.40-37-1			
USE:	REQUIRED	EXISTING	PROPOSED	VARIANCE REQ'D
YARD REQ'TS:	1 FAM RES.	1 FAM RES.	NO CHANGE	
FRONT:	30'	25.4'	NO CHANGE	NO
REAR:	30'	61'	52'	
SIDE ONE:	12'/6" *	9.8'	6.1' TO DECK *	NO
SIDE TWO:	30'/24" *	6.6'	25.19' TO DECK *	YES
			11.1' TO ADD'N	YES
SIDE TOTAL:	42'	16.4'	12.7"	YES
BUILDING HGT.:	35'	33.8'	NO CHANGE	NO
LOT SIZE:		5776sf	NO CHANGE	
BUILDING COV.:	25%	14.5%/835sf	20.1%/1164sf	
DEVELOPMENT COV.:	35%	24.6%/1425sf	30.2%/1742sf	
F.A.R.:		0.455/2628sf	0.418/2418sf	

* 6" ALLOWED ENCROACHMENT FOR UNCOVERED DECK SERVING MAIN FLOOR

REVISION	
2/8/23	DENIAL AND ZBA

TRADES LEGEND BY COLOR	
CARPENTRY	
STRUCTURE	
CASEWORK	
ELECTRICAL	
PLUMBING	
HVAC	
EVERYONE	



ADDITIONS AND ALTERATIONS
SHEA LABATE RESIDENCE
27 CROTON AVENUE
HASTINGS ON HUDSON, NY
SBL:4.40-37-1

1ST FLOOR PLAN
WEST & SOUTH ELEVATIONS
SITE PLAN
ZONING CALCULATIONS

ZBA

LEGENDS:
C.L.F. CHAIN LINK FENCE
BLDG. BUILDING
GV GAS VALVE
0.4'N NORTH
DI DRAINAGE INLET
W.I.F. WROUGHT IRON FENCE
N/F NOW OR FORMERLY
O.H.W. OVER HEAD WIRES

DO NOT SCALE

SCALE: 1"= 16'
Measurement in U.S. Standard.

DATE: 01-27-2023.

JOB NUMBER
WCRO2663-119.

Summit Land Surveying P.C.
21 Drake Lane
White Plains NY 10607
(914) 629-7758
Info@SLSPC.US

BELOW SURFACE ENCROACHMENTS ARE NOT SHOWN. THE EXISTENCE OF RIGHT OF WAYS AND/OR BASEMENTS OF RECORD, IF ANY, NOT SHOWN HEREON, ARE NOT CERTIFIED.

A TITLE REPORT OF THE SUBJECT PROPERTY WAS NOT PROVIDED, A DEED OF THE SUBJECT PROPERTY WAS PROVIDED.

UNAUTHORIZED ALTERATION OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYORS SEAL IS VIOLATION OF 7209, SUB-DIVISION 2, OF NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYORS INKED SEAL OR EMBOSSED SEAL NOT BE CONSIDERED TO BE A TRUE AND VALID COPY.

Certifications indicated are limited only to the person for whom this survey was prepared and on his or her behalf to the title company, governmental agency and lending institution for the title number listed hereon. The certifications are not transferable.

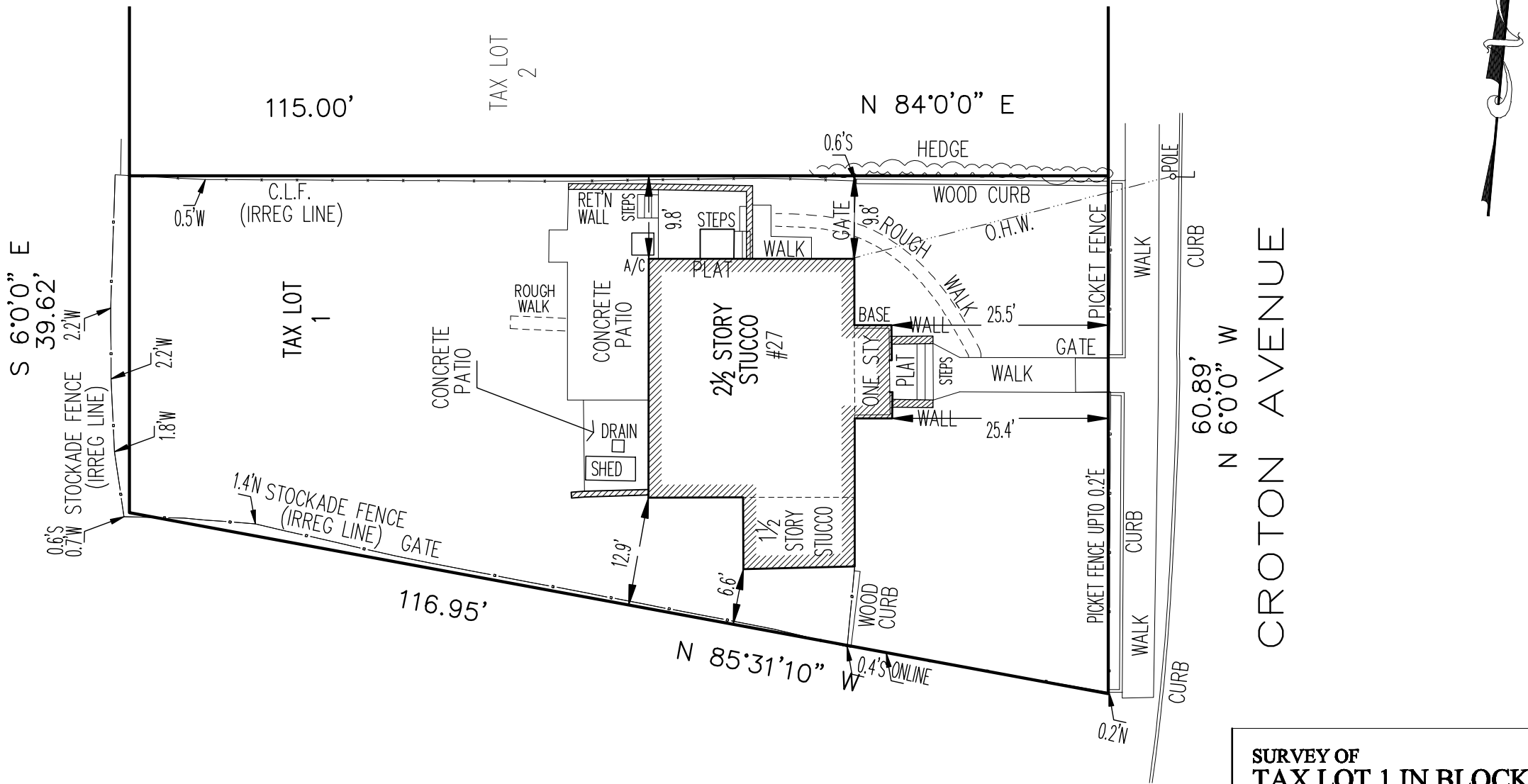
NOT FOR TITLE TRANSFER.

SURVEY OF
TAX LOT 1 IN BLOCK 37, SECTION 4.40
AS SHOWN ON THE OFFICIAL TAX MAPS OF
VILLAGE OF HASTINGS ON HUDSON
LOCATED AT
VILLAGE OF HASTINGS ON HUDSON
TOWN OF GREENBURGH
WESTCHESTER COUNTY STATE OF NEW YORK.

ALSO KNOWN AS SECTION 1.190, BLOCK 117, LOT 2
IN THE OFFICIAL TAX MAPS OF VILLAGE OF TARRYTOWN.

ADDRESS: 27 CROTON AVENUE, HASTINGS ON HUDSON, N.Y.

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This is to certify that this map and the survey on which it is based were made in accordance with the "Minimum Standard" Detail Requirements for the New York State Association of Land Surveyors.

Rakesh R. Behal, L.S. New York State License Number 050666.