

VILLAGE OF HASTINGS-ON-HUDSON

Zoning Board of Appeals

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



1. File two (2) completed Applications for Variance, Interpretation or View Preservation Approval, each with original signatures and notarization and nine (9) copies, with the Office of the Building Inspector, no less than six (6) weeks prior to scheduled ZBA meeting.
2. Application must be complete with all plans, diagrams, surveys, photographs, etc. as necessary to fully describe requested variance/s and compelling reasons for non-conformity with the zoning regulations.
3. Pay an application fee as per following fee schedule:

• Single family residence	\$ 200.00	\$ 250.00*
• Two family residence	\$ 250.00	\$ 300.00*
• Multiple family residence	\$ 300.00	\$ 400.00*
• Commercial, apartment & office buildings	\$ 500.00	\$ 600.00*
• Industry, subdivision, land development, etc.	\$1000.00	\$1200.00*

*For Variances/ZBA action for illegal construction
4. Upon receipt of the application and prescribed fee, Office of the Building Inspector will prepare a legal notice describing the variance and submit the notice to an official newspaper for publication.
5. Office of the Building Inspector will prepare a mailing list of all neighbors within a 300 foot radius (500 feet if deemed necessary by the Building Inspector) of the subject property and make it available to the applicant no less than 3 weeks prior to the ZBA meeting
6. The applicant must pick up copies of the legal notice and mailing list in a timely manner so as to be able to do the following:
 - Either mail copies of the legal notice to neighbors on the mailing list by certified mail/return receipt requested or any other method of delivery providing proof of delivery no later than 14 days prior to the ZBA meeting
 - Or hand deliver copies of the legal notice no later than 10 days prior to the ZBA meeting.
7. **No later than one (1) week prior to the ZBA meeting** submit the following to the Office of the Building Inspector:
 - Proof of mailing and and supporting documentation or
 - The mailing list with dates and initials of recipients and a notarized affidavit stating:

I, _____, do hereby swear that all the legal notices were hand delivered to the people on this mailing list on _____ and that the signatures/initials of the recipients are authentic.
8. The applicant or his/her authorized representative must appear before the ZBA on the scheduled meeting date to present his/her case, enter into record any additional evidence, and answer any questions.

Submit nine (9) copies of the application along with required fee, 9 copies of property survey showing the existing and proposed construction and 9 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.

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Case number: Date of application: 3.22.16

Property owner: Emily Wardwell and Nicholas Dodziuk
 Property address: 357 Warburton Ave., HOH NY 10706
 Name all streets on which the property is located: Warburton Avenue
 Sheet: 4,100 Block: 93 Lot/Parcel: 11 Zoning District: R-7.5

Applicant: Emily Wardwell and Nicholas Dodziuk
 Standing of applicant if not owner:
 Address: 357 Warburton Avenue
 Daytime phone number: 646 729 8086 Fax number:
 E-mail address: wardwell@mac.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*
<u>295-69, F1a</u>	<u>Front Yard Min. 25ft.</u>	<u>23'-6" to Structure</u> <u>20'-0" to Front Steps</u>	<u>23'-6" to Structure (No Change)</u> <u>12'-10" to edge of Front Steps</u>
.....
.....
.....
.....
.....

*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	25'-0"	20'-0"	12'-10"
REAR	25'-0"	55'-0"	No Change
SIDE ONE	0'-0" min	10'-6"	No Change
SIDE TWO	12'-0" min	30'-6"	No Change
TOTAL OF TWO SIDES			

YARD SETBACKS (Accessory Structure)

	REQUIRED	EXISTING	PROPOSED
TO PRINCIPAL BLDG.			
REAR			
SIDE			

BUILDING HEIGHT

	PERMITTED	EXISTING	PROPOSED
STORIES	2 1/2	2 1/2	No change
FEET	—	—	—

LOT COVERAGE

	PERMITTED	EXISTING	PROPOSED
LOT AREA	7,500 sf	8,056 sf	No Change
BLDG. COVERAGE/ % OF LOT AREA	30% max (2,417 sf)	11.4% (921 sf)	11.8% (950 sf)
DEVELOPMENT COVERAGE / % OF LOT AREA	40% max (3,222 sf)	22.4% (1,811 sf)	22.8% (1,840 sf)

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

OCCUPANCY AND USE

	PERMITTED	EXISTING	PROPOSED
CURRENT USE**	2 family house	2 family house	No Change

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

VILLAGE OF HASTINGS-ON-HUDSON

Zoning Board of Appeals

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- 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
.....
.....

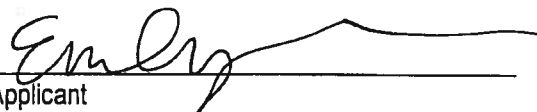
- List pending violations on this property if any:

- 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.)

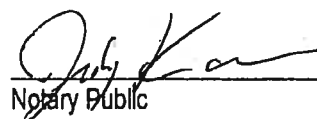
Submit nine (9) copies of the application along with the required fee, 8 copies of property survey showing the existing and proposed construction and 8 copies of all other supporting documents (plans, drawings, site maps, photographs, etc. as necessary to describe and support your application) to the 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:


Applicant

Sworn to before me this 22nd day
of March, 2016


Notary Public

JUDY KAISER
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01KA2018350
Qualified in Westchester County
Commission Expires January 31, 2018

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Variance/Interpretation/View Preservation



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

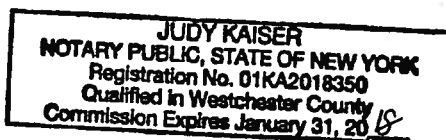
Name : Emily Wardwell, being duly sworn, deposes and says that
he/she resides at 357 Warbretton Ave in the Village of Hastings-on-
Hudson in the County of Westchester, in the State of New York, that he/she is the owner of all that certain lot,
parcel of land, in fee, lying and being in the Village of Hastings-on-Hudson aforesaid and known and
designated as Sheet 4,100 Block 9B and Lot 11 of the tax map, and that
he/she hereby authorized _____ to make the annexed
application in his/her behalf and that the statement of fact contained in said application are true.

Emily Wardwell
Owner

SWORN TO BEFORE ME THIS 22nd DAY
OF March ~~200~~ 2016

Judy Kaiser
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.

CODE COMPLIANCE AND INSPECTION

1. All constructional shall conform to New York State HOH information bulletin / Public - Building code document NO. P/BC 2001-04 pertaining to TYPE V Construction and all other applicable codes.
2. An approved set of drawings bearing the stamp of the city of the Village of Hastings-on-Hudson Department of Buildings shall be available on the construction site al all times. All appropriated and necessary department of building and safety permits must be posted at all times.

MOISTURE PROTECTION

1. Flash and counterflash at all roof to wall conditions.
2. All exterior finish materials shall be applied over 15# asphalt saturated felt, unless otherwise noted
3. Flash all exterior openings with approved waterproof building paper to extend at least 6” under the building paper behind the wall covering or greater as specified by the manufacturer.

ELECTRICAL NOTES

1. Furnish and install all outlets, switches. Fixtures and equipment indicated, including light bulbs, and install any fixtures and equipment furnished by owner.
2. Non-metallic sheathed cable shall be concealed or protected.
3. Provide Ground-Fault-Circuit-Interrupters (GFI) protection for all 125 -volt, single phase, 15-AND 20-AMP exterior receptacles.
4. All fixtures, devices and equipment shall comply with applicable regulations.
5. At least one light outlet (Wall Switch Controlled) shall be installed on the exterior side of outdoor entrances and exits. [NEC 210-70(A)]
6. Openings for steel electrical outlet boxes not exceeding 16 square inches area permitted provided openings do not aggregate more than 100 square inches or 100 square feet of wall or partitions. Outlet boxes on opposite sides of walls or partitions must be separated by a horizontal distance of 24 inches.
7. Exterior lighting controls shall comply with Section 9.4.1.3 ANSI/ASHRAE/IESNA Standard 90.1-2007, without amendments.

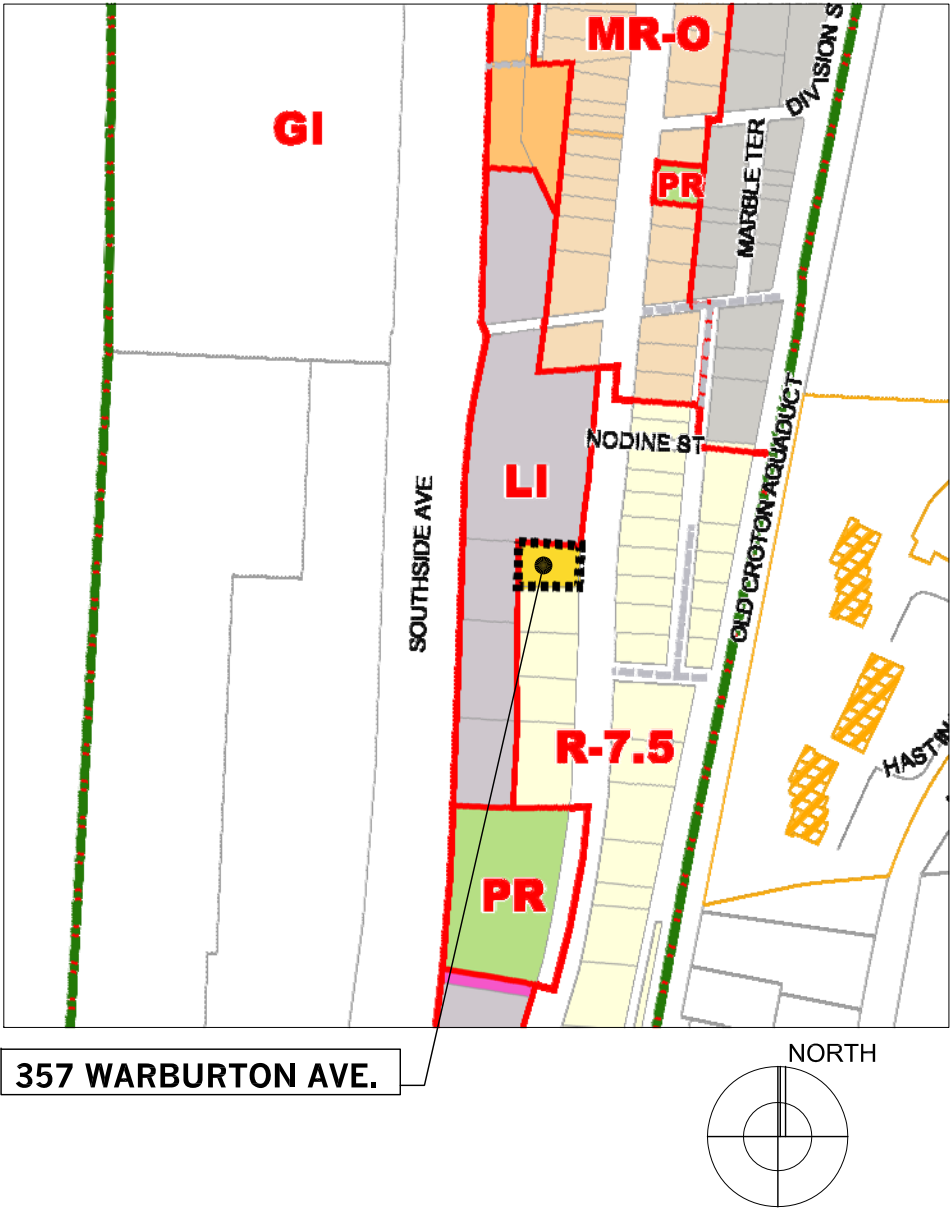
TYPE V 1-HR CONTRUCTION NOTES

1. Continuous drywall is required behind all electrical service panels, fire hoses and medicine cabinets.
2. Recessed ceiling light fixtures must be boxed around with 5/8” TYPE X drywall to maintain the 1-hour ceiling assembly.
3. All plumbing penetration through walls which required protected openings (occupancy separation walls, area separations walls, corridor walls and walls to close to a real or imaginary property line) are required to be galvanized or cast-iron piping.
4. Plumbing penetration through a horizontal occupancy separations shall be boxed out and filled with approved safing material. Insulation is not approved.
5. Plastic electrical boxes are to be clearly identified as approved for 1-hour construction.
6. Special details at all soffits are required to show the 1-hour floor/ceiling of roof/ceiling assembly.

FIRE DEPARTMENT NOTES

1. Contractor shall provide ordinary hazard fire extinguishers at a max. Travel distance of 75'-0”, Max floor area per extinguisher 11,250 S.F. Or in accordance with the local fire department. Min. rating of 2-A
2. All material used for the interior finished shall be classified in accordance with the UBC section 804. Tables 8-A and 8-B or with local code, whichever is more stringent.
3. Building address shall be visible from the street per the standard of the local fire department.

VICINITY PLAN:



357 Warburton Avenue

PROJECT DESCRIPTION: New +/-45 s.f. covered entry porch & steps to replace existing non-covered entry porch & steps to 2-Family house.

LEGAL DESCRIPTION:	No change of occupancy
LOCATION:	357 Warburton Avenue
ZONING DISTRICT:	R-7.5 Residential
SHEET:	4100
BLOCK:	93
LOT:	11
JURISDICTION:	Hastings-on-Hudson, NY
CONSTRUCTION TYPE:	Type V
LOT SIZE:	7,500 s.f.
NUMBER OF STORIES:	2

DRAWING INDEX

T-001	TITLESHEET
D-100	GENERAL NOTES DEMOLITION PLANS / FOUNDATION PLAN / PARTITION TYPES
A-100	CONSTRUCTION PLANS / RCP/LIGHTING PLANS
A-200	EXT. ELEVATIONS & SECTIONS / DETAILS
A-201	INTERIOR ELEVATIONS / BUILDING SECTION

SCOPE OF WORK:

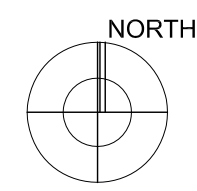
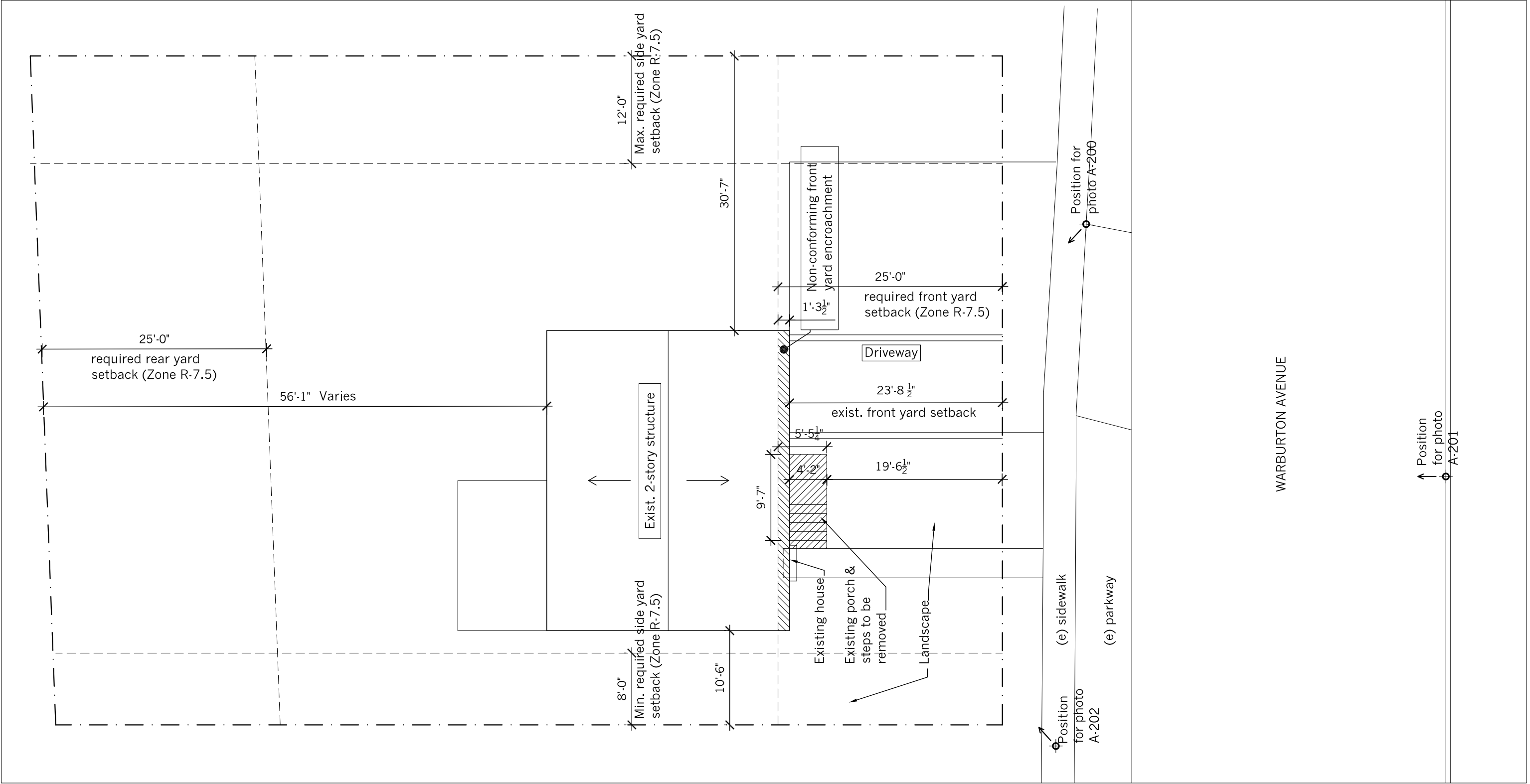
New 54 s.f. 2-story addition to existing house. Demo of existing 1-story extension and brick chimney from roof down to first floor. Enlarge interior opening between kitchen and dining room.

Exterior work includes:

Demolition of existing masonry porch, steps & railing. Replace front door & wall mounted light fixture. Construction of new entry porch, steps & railing. New roof canopy & columns at entry platform.

Interior work includes:

Patch & paint common entry hall. Install new entry door & trim per details.



ARCHITECT:
JACOBSCHANG ARCHITECTURE
39 E 13th STREET 4th FLR . NEW YORK, NY 10003

TITLE: EXISTING SITE PLAN
SCALE: 3/32" = 1'-0"
DATE: MARCH 15, 2016
PROJECT: DODZIUK WARDELL RESIDENCE

D-001



ARCHITECT:

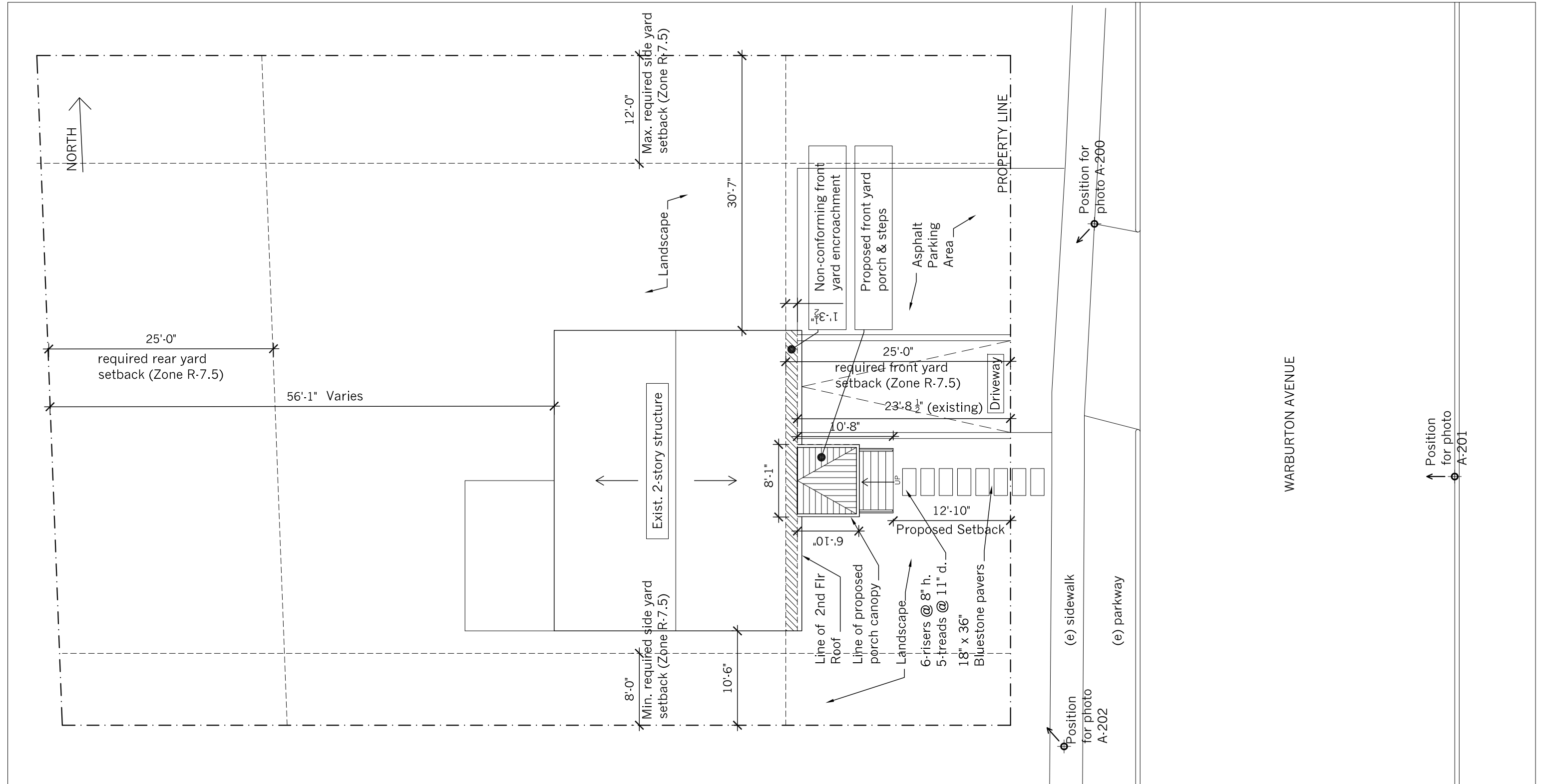
TITLE: SITE PLAN

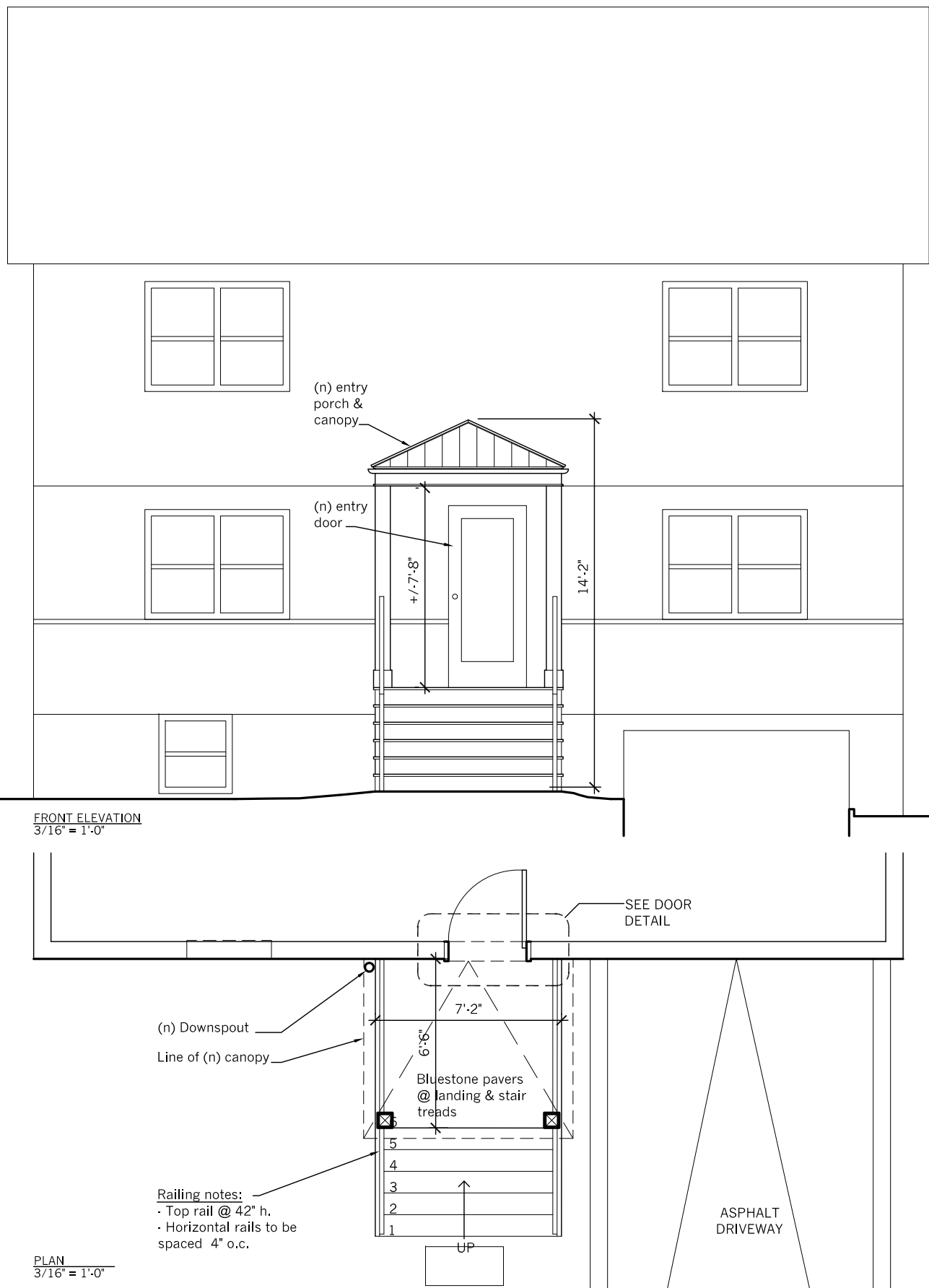
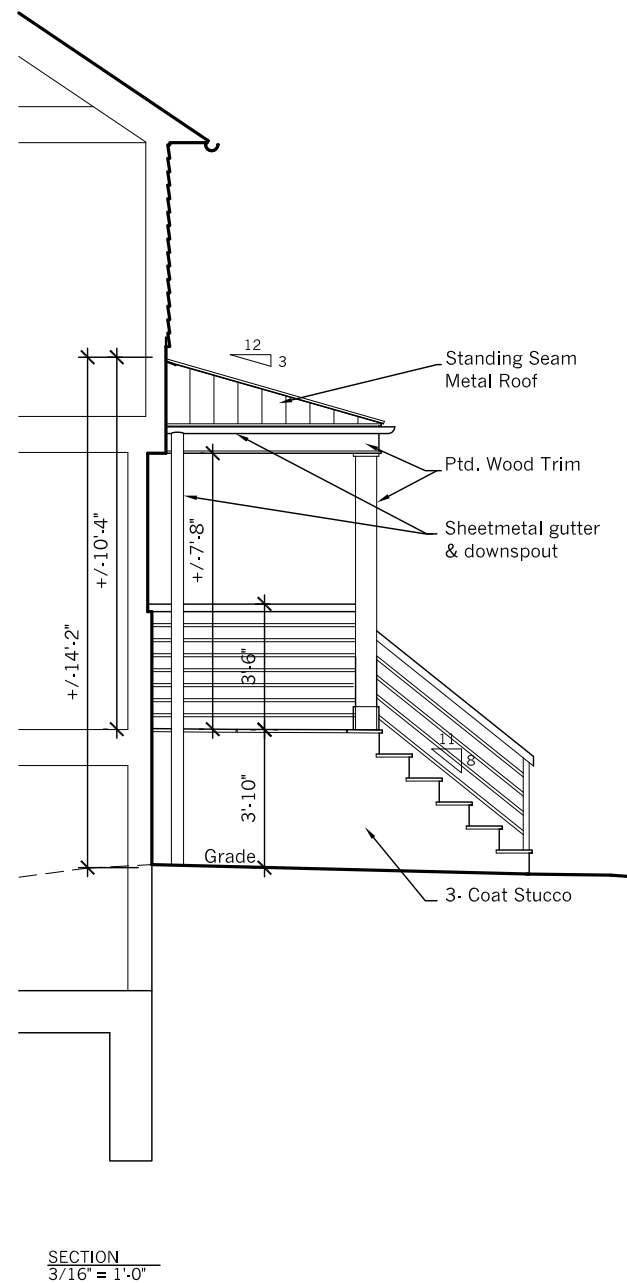
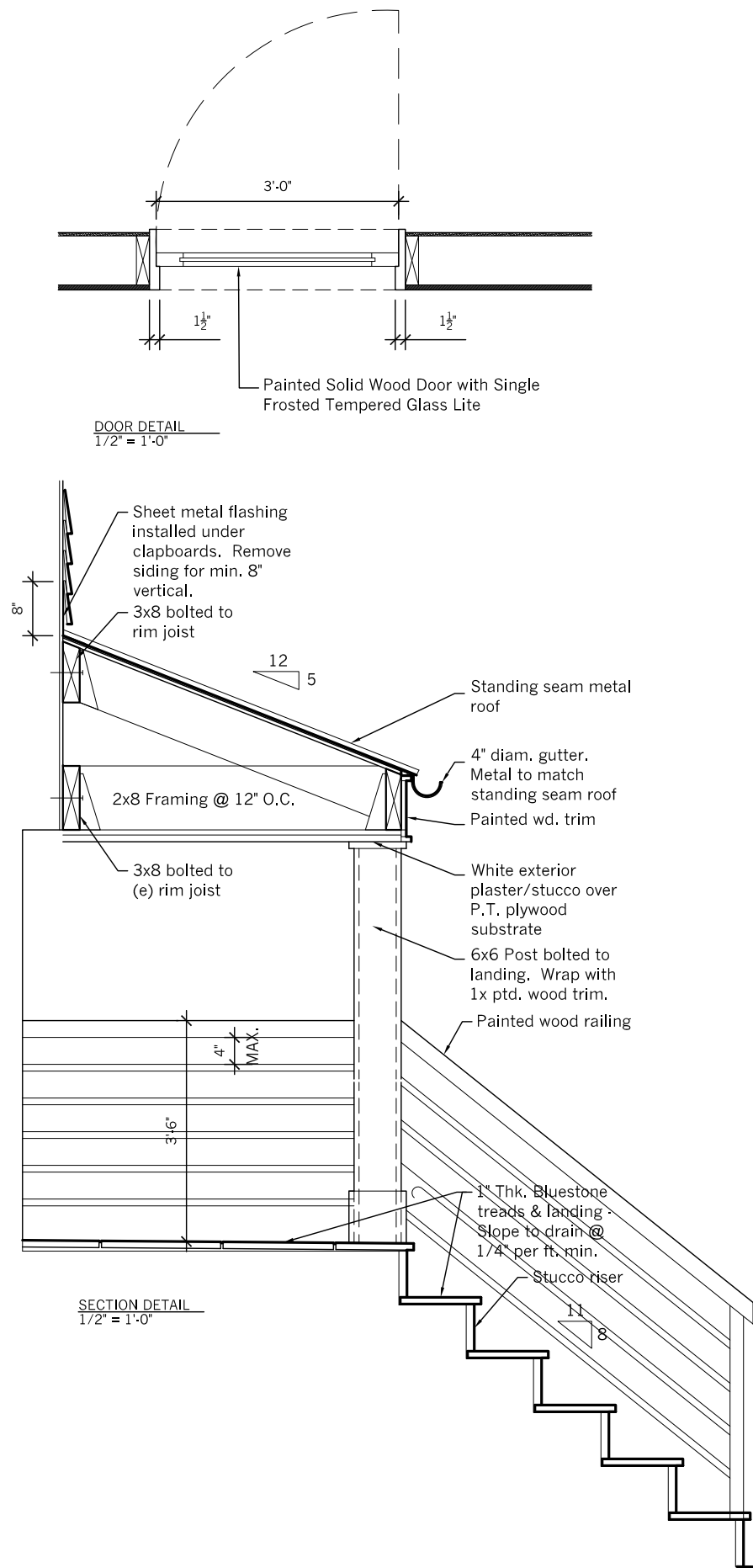
SCALE: 3/32" = 1'-0"

DATE: MARCH 15, 2016

PROJECT: DODZIUK WARDELL RESIDENCE

A-001





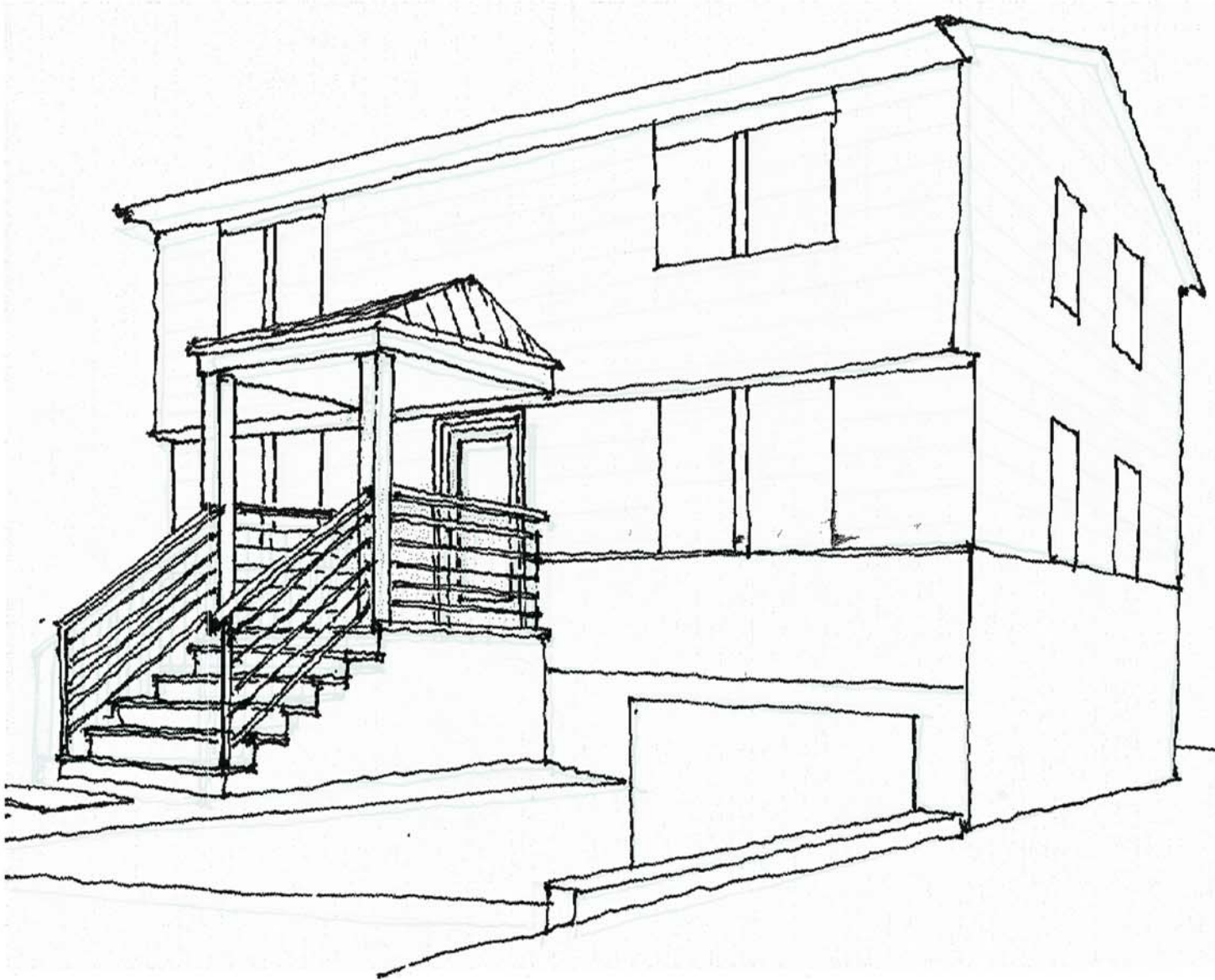
ARCHITECT:
JACOBSCHANG ARCHITECTURE
39 E 13th STREET 4th FLR . NEW YORK, NY 10003

TITLE: PLAN, ELEVATION, SECTION + DETAILS
SCALE: AS NOTED
DATE: MARCH 15, 2016
PROJECT: DODZIUK WARDELL RESIDENCE

A-100



EXISTING



PROPOSED



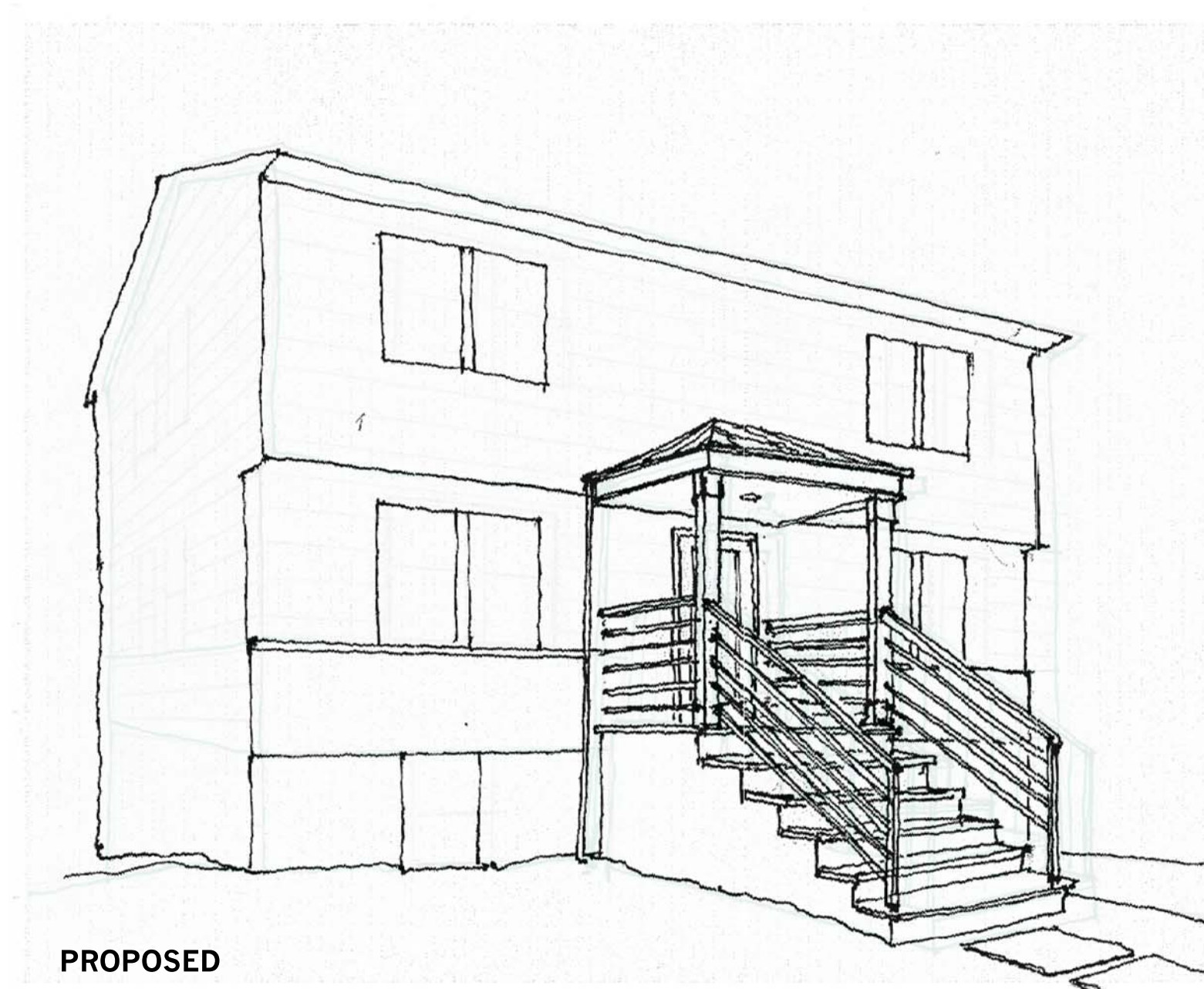
EXISTING



PROPOSED



EXISTING



PROPOSED

ARCHITECT:
JACOBSCHANG ARCHITECTURE
 39 E 13th STREET 4th FLR . NEW YORK, NY 10003

TITLE: PERSPECTIVE SKETCH - PHOTO #3
 SCALE: N.T.S.
 DATE: MARCH 15, 2016
 PROJECT: DODZIUK WARDELL RESIDENCE


A-202

VILLAGE OF HASTINGS-ON-HUDSON
View Preservation Approval Application Requirements Checklist



Items	Item Specifics	Indicate how the checklist items are addressed*
Application	Complete application with supporting documents	A.001, A.100, A.200, A.201, A.202
Application Fee	Prescribed fee for the requested review/action
Plans	Plans, Site Plans, Elevations Sections and details as necessary to describe the full scope of proposed work	A.001 + Site Survey + A.100
	A plan showing the location from where the photos were taken and general direction of the field of vision	A.001
Photographs	Photographs from various vantage points showing the current views of the Palisades and Hudson river, without the proposed development/work	A.200 + A.201 + A.202
	Photographs from various vantage points showing the current views of the Palisades and Hudson river, with the proposed development/work simulated in the photographs (photoshopped)	" " "
Additional Requirements	Board/s may require a Mock-up at the proposed site simulating the height bulk or outline of the proposed construction/development to help them with their deliberations and decisionsTo be provided as and if needed....

*Indicate by notes such as, "see Note/Detail on Dwg #___", "attached herewith", or "NA", etc. where "NA" stands for "Not applicable".


 Signature

3/17/16
 Date

Michael Jacobs
 Name

Architect
 Title NY: #026351