

David A. Barbuti, Architect, PC  
150 White Plains Road Suite #103  
Tarrytown, New York 10591  
t-914.909.5143  
f-914.909.5144  
[email-dave@barbutiarchitects.com](mailto:email-dave@barbutiarchitects.com)

November 07, 2016

Proposed addition and alteration to  
existing 1 family dwelling  
6 Fulton Street  
Hastings-on-Hudson, New York  
66H-2-30

## **ZONING**

### **A variance to the Village of Hastings-on-Hudson Zoning Code**

1. Insufficient front yard setback; 30.0' required, proposed 8.71' (front porch).
2. Extension to an existing non-conforming structure.

## **PRINCIPAL POINTS**

The above property contains a 1 family, 1 ½ story dwelling with a one (1) car garage in the Basement, and one (1) exterior parking spaces in the driveway. The existing structure had become in a state of disrepair and become vacant. Under this proposal, we propose to construct a 1<sup>st</sup> floor addition that will house a (two) 2 car garage, and Mud Room, and a Family Room and Kitchen addition. On the 2<sup>nd</sup> floor addition a 5 Bedroom, 3 Bath addition is proposed.

The requested Variances for construction is based on the existing structure locations and site conditions that cannot have been avoided. The existing structure (front roofed porch) is set off the front property line 7.61', and the main house is set 13.71' from the front property line; where 30.0' is required. The proposed front porch is set 8.71' from the front property line, and the proposed second floor addition is set at 13.71'; the same as the existing first floor footprint.

The requested Variance for the front yard setback and extension of a non-conforming structure cannot be obviated because of the location of the existing dwelling force the location of said improvements. The site is a sloping site which contains steep slopes toward the rear; reconfiguring the proposed layout would force construction into the steep slope area. By configuring the addition as proposed, it mitigates construction into the steep slope areas.

There are five (5) criteria the applicant is required to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community. The following factors into considered in making the determination:

*(1) 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;*

The proposed structure will be in character with the neighborhood which consists of residential homes, many of which are set closer to the front property line than the required 30.0' setback. The proposed construction will increase the value of the homes in the neighborhood, and it will also remove the vacant eyesore that presently exists.

*(2) Whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;*

The proposed construction cannot be achieved by some other means, because of the location of the existing structure, and its already encroaching into the front yard setback. Part of the existing structure would need to be demolished to become compliant with the front yard setback, and a larger addition proposed to the rear and side impacting steep slopes.

*(3) Whether the requested area variance is substantial;*

The proposed variance is substantial, but only because the location of the existing structure into the front yard setback.

*(4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;*

There will be no adverse environmental or physical impact on the area because the dwelling will remain a 1-family dwelling in an R-10 zone. As previously stated, there are several homes in the neighborhood with similar situations regarding front yard setback encroachments.

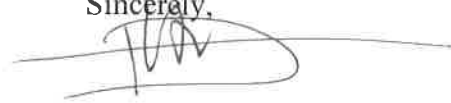
*(5) Whether an alleged difficulty is self-created.*

The hardship may be self-created but only based on the location of existing structure, the only possible way to rectify this, would be to construct an addition to the rear, which would force construction into the steep slope areas.

The applicant and owner shall comply with any reasonable conditions set by this Zoning Board of Appeals necessary..

If you should have any questions or comments, please feel free to contact my office at 914-909-5143.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. Barbuti', is written over a horizontal line.

David A. Barbuti, 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: \_\_\_\_\_

Property owner: Ms. E. Kera  
 Property address: 6 Fulton Street  
 Name all streets on which the property is located: Fulton Street  
 Sheet: 4.140 Block: 146 Lot/Parcel: 22 Zoning District: R10

Applicant: David A. Barbati, Architect  
 Standing of applicant if not owner: Architect  
 Address: 150 White Plains Road Ste 103 Tarrytown ny 10591  
 Daytime phone number: (914) 760-1120 Fax number: (914) 909-5144  
 E-mail address: dave@barbatiarchitects.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>295-68F</u>	<u>Front Yard Min. 30'</u>  <u>Extension of a non-conforming structure</u>	<u>7.61</u>	<u>8.71</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	30	7.61 +/-	8.71
REAR	30	48.17	31.23
SIDE ONE	12	22.27	16.15
SIDE TWO		52.13	31.38
TOTAL OF TWO SIDES	30	74.40	47.53

### 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
FEET	35	18	30

### LOT COVERAGE

	PERMITTED	EXISTING	PROPOSED
LOT AREA	10,000	10,800	10,800
BLDG. COVERAGE / % OF LOT AREA	25%	9.3%	16.3%
DEVELOPMENT COVERAGE / % OF LOT AREA	35%	32.6%	33.9%

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

### OCCUPANCY AND USE

	PERMITTED	EXISTING	PROPOSED
CURRENT USE**	Single Family	Single Family	Single Family

\*\* 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:

none

- 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:

\_\_\_\_\_  
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



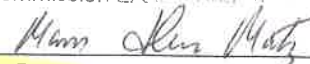
STATE OF NEW YORK COUNTY OF  
WESTCHESTER VILLAGE OF  
HASTINGS ON HUDSON

Name: Ellen Kera-Geiger, being duly sworn, deposes and says that  
he/she resides at 6 Fulton 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 4-140 Block 146 and Lot 22 of the tax map, and that  
he/she hereby authorized DAVID BARBUTI to make the annexed  
application in his/her behalf and that the statement of fact contained in said application are true.

  
Owner

SWORN TO BEFORE ME THIS ninth DAY  
OF November 2016

MARY THERESA MARTZ  
Notary Public, State of New York  
No. 01MA6097454  
Qualified in Westchester County  
Commission Expires Aug 18 19

  
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.



# Municipal Tax Parcel Viewer

■ (Data: 2012)

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4 140-148-23	0000
4 140-144-3	0000
4 140-146-43	0000
4 140-146-19	0000
4 140-146-18	0000
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100 OLD BRIDGEWAY  
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3 GOODWIN ST  
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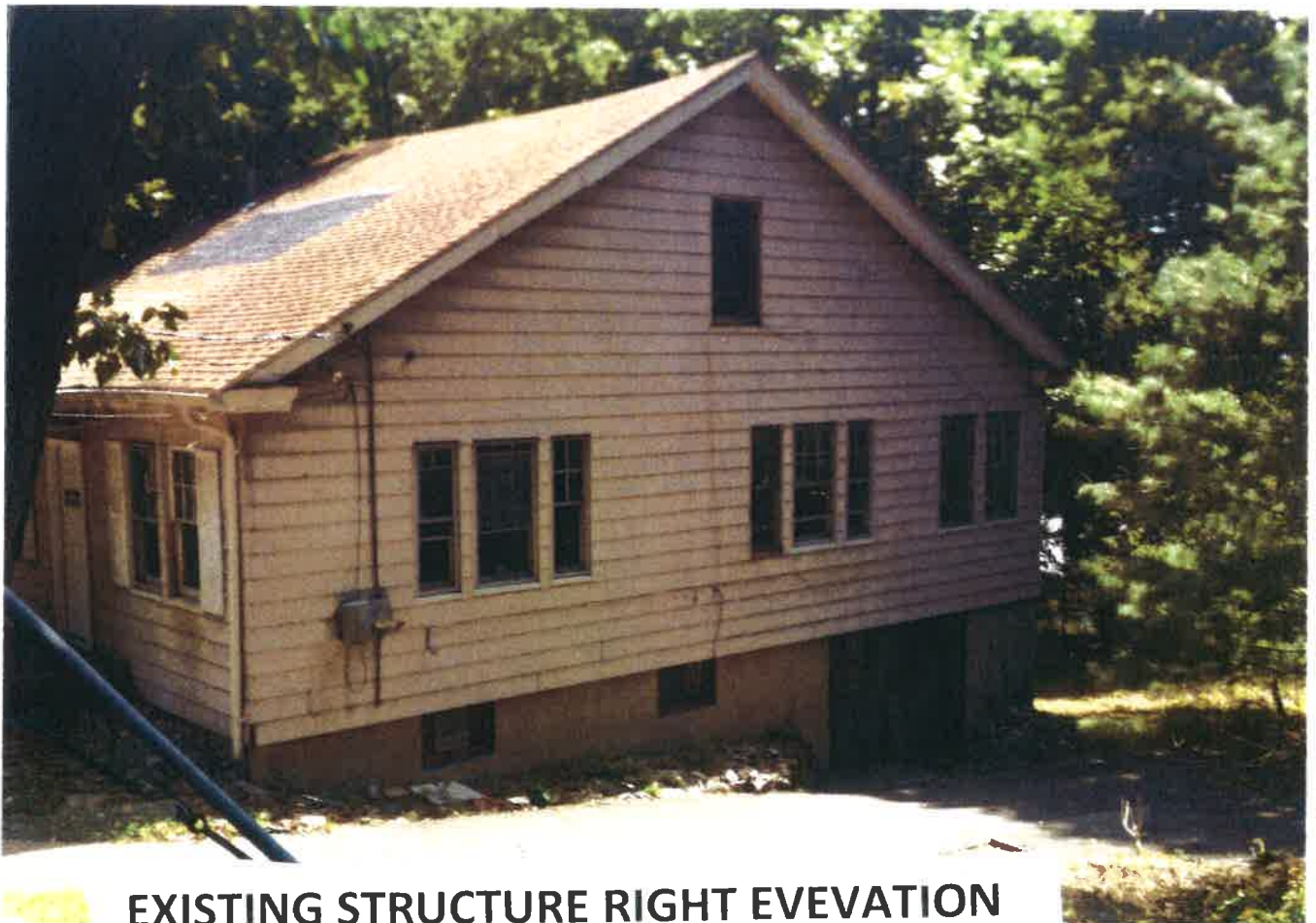
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**EXISTING STRUCTURE FRONT EVEVATION**

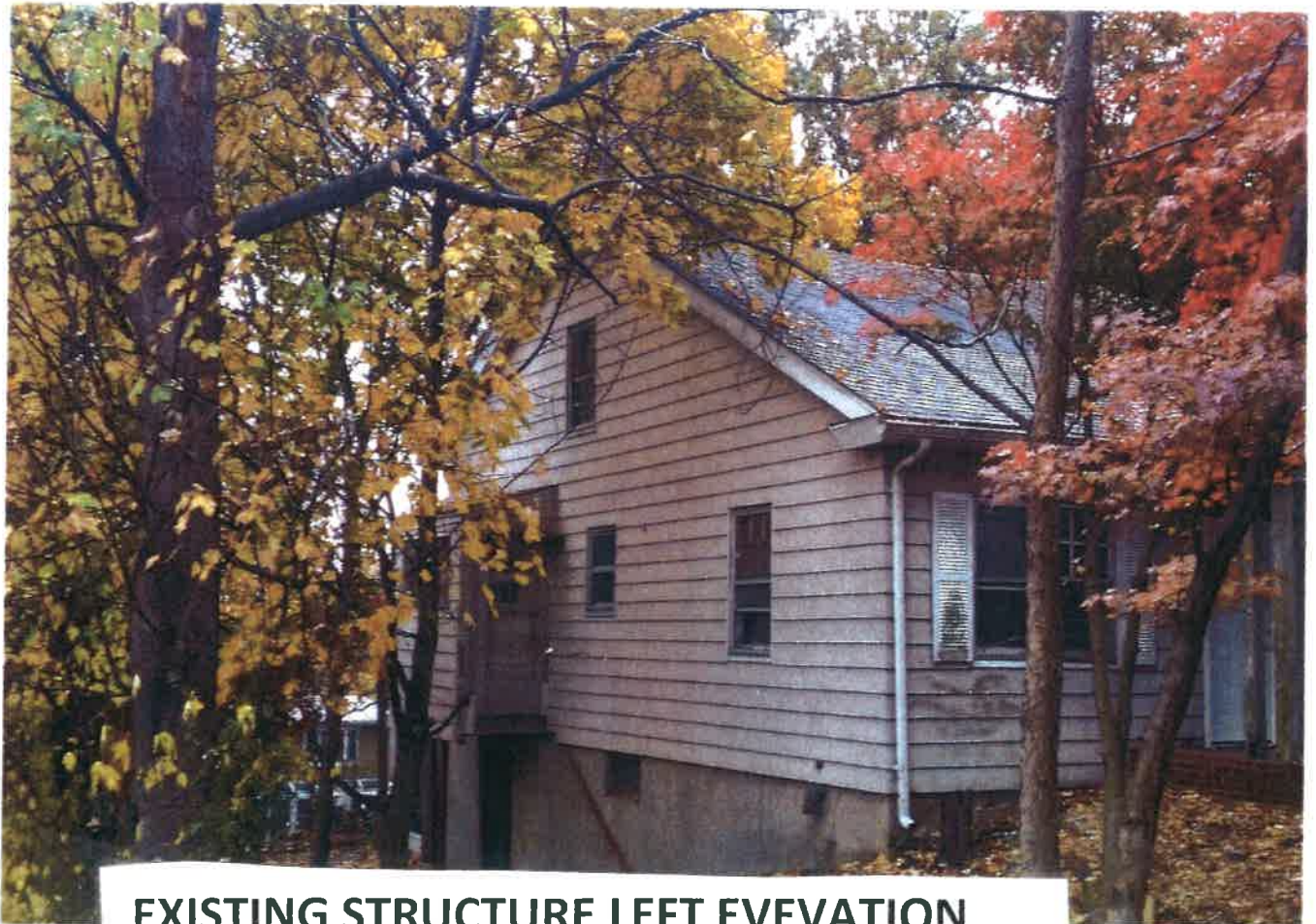


**EXISTING STRUCTURE RIGHT EVEVATION**





**EXISTING STRUCTURE REAR EVEVATION**



**EXISTING STRUCTURE LEFT EVEVATION**



# Municipal Tax Parcel Viewer

(Data: 2012)

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Tax Maps

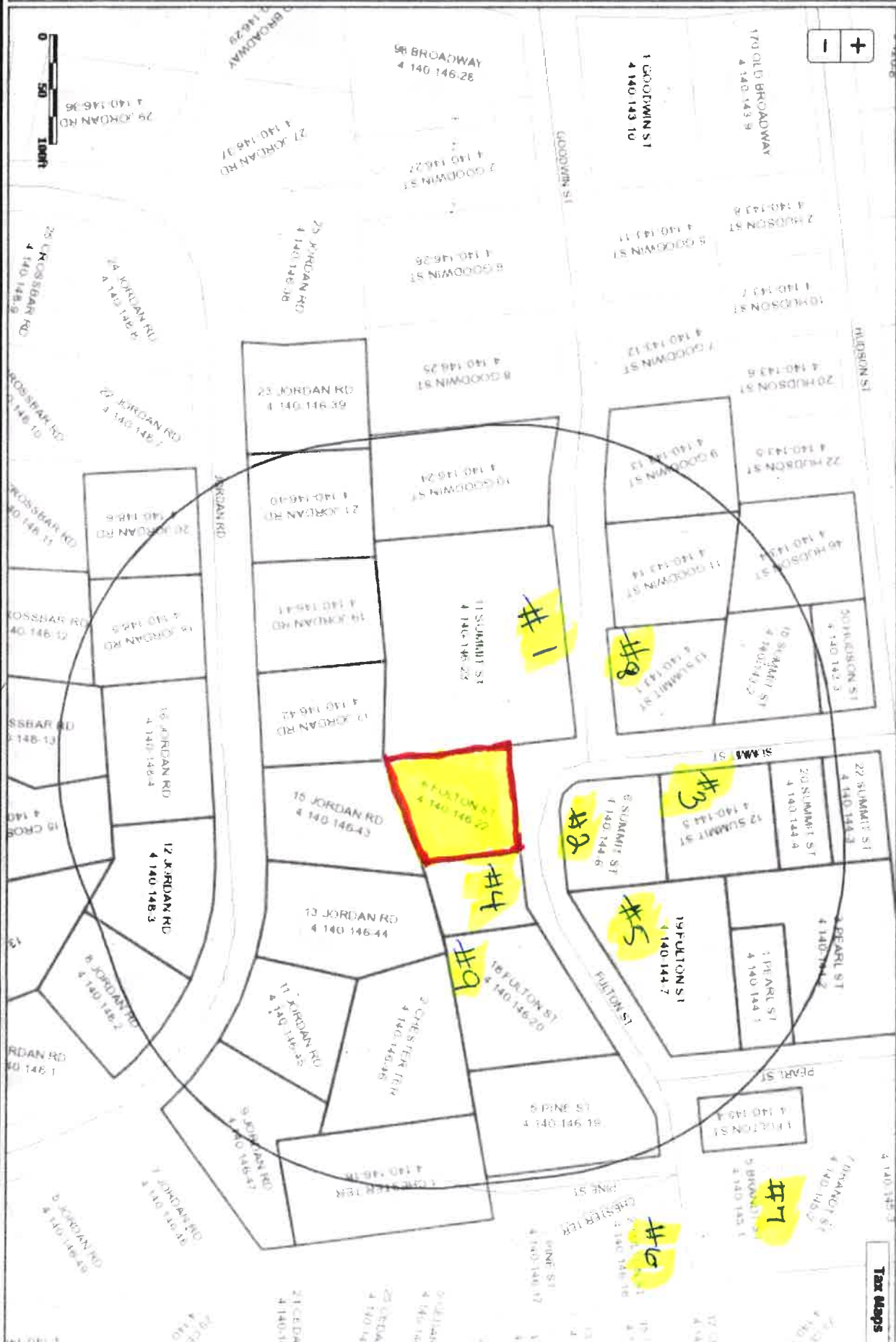




Photo #1





Photo #3



Photo #2





Photo #4



Photo #5





Photo #6



Photo #7





Photo #9



Photo #8