Application to
ZONING BOARD OF APPEALS
Town of Harrison

Date of Disposition _____ Calendar No. Z 12-013
Disposition _____ Dated Filed: 5-10-12

Street Address of Property 10 SEVILLE AVE.

Tax Assessment Map Block: 565 Lot: 11

Zoning District: R1

Applicant: MELISSA SLOZUM

Applicant's Address: 10 SEVILLE ~~RD.~~ AVE.

Applicant's Telephone Number: 967.1780

Property owner: MELISSA SLOZUM

Address: 10 SEVILLE AVE.

Telephone No.: 967.1780 Fax No: _____

Signature of property owner: [signature]

Person presenting application (architect, attorney), if applicable:

DAVID MOONEY Title: ARCHITECT

Address: 5 BLIND BROOK LN. RYE NY 10580

Telephone No: 967.0960 Fax No: 967.0345

Requested Action: X /Area Variance ____/ Use Variance ____/ Other _____
Basis of Jurisdiction: X / Appellate ____/ Original ____/ Other _____
Date of Denial letter: 4/17/12 (*You must attach a copy of the denial letter*)

What Section(s) of the Harrison Town Code is (are) in question?

Section 235-9(B) Table of Dimensional Regulations.

What is the general objective of this application? What do you want to do that you have been told you cannot do? Construct A Pergola In The Rear of A An Existing Home.

What specific relief is requested from the Board of Appeals? If a variance is requested, state the applicable zoning requirement (*e g.* number of feet) and the requested variance (*e.g.* number of feet) from that requirement.

Side Yard Variance. Side Yard Required is 20' The proposed pergola will be 10.4' Requiring a 9.6' Side Yard Variance.

Is this property completely conforming with all the requirements of the Zoning Code, except for the relief requested by this application? Yes If not, specify why not. **NOTE: The Zoning Board will not hear an application for a variance if there are existing violations other than those that would be cured by the requested variance(s).**

Have any previous applications been made to the Board of Appeals or Planning Board concerning the property, or any summons or warrant issued for a court appearance concerning the matter in question? If so, summarize the proceeding and the disposition and attach a copy of each decision and/or resolution.

No

Is there any alternative to the proposed improvement or relief? No If there is, describe the alternative and explain why you are not adopting it. State whether the alternative would also require relief from the Board of Appeals.

Current area for the pergola is pre-existing non-conforming.

List the name, address and extent of interest in this application of any employee(s) or officer(s) of the Town or Village of Harrison.

None

On a separate paper,

1. *For area variances, set forth*:

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;

(i) what 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 variances;

Additional Information Zoning Variance for 10 Seville Avenue

Area Variance.

We feel that the benefit to the applicant is clear in the ability to use the existing terrace in the rear of the house, as weighed against any possible determent to the adjacent neighbors.

(i) There will be significant change to the character of the neighborhood by the construction of an open pergola in the rear of the home. The current terrace we are covering has been in existence for 70 + years. The home to the rear has a similar structure off the back of their house. The structure is not visible from the road only to the adjacent side and rear yard neighbor.

(ii) The reason for placing the pergola in this area is that it is over the existing terrace and adjacent to the kitchen and family room doors which provide access to the terrace. There will be no increase in impervious surfaces because of this construction.

(iii) The side variance is not substantial it is in line with the existing home in the side yard and does not increase the already non conforming side yard. The lot is also substandard in terms of lot area.

(iv) The open pergola structure will not have a negative impact on the physical or environmental conditions in the neighborhood.

(v) The alleged difficulty was not self created the house was built 80 years ago as a conforming structure and the new owner has not done anything to the home in this area prior to this application. A new addition has been constructed to the home in a conforming location by this owner.

(ii) why the benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than an area variance;
(iii) how substantial is the requested area variance;
(iv) why proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
(v) how the alleged difficulty was created.

2. *For use variances, set forth:*
(i) How the applicable zoning regulations and restrictions have caused unnecessary hardship;
(ii) Demonstrate that for each and every permitted use under the zoning regulations for the particular district where the property is located that:
(A) the applicant cannot realize a reasonable return and set forth or attach competent financial evidencing of such lack of reasonable return;
(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; &
(D) the alleged hardship has not been self-created.

I understand that I must attach: (1) a copy of the Building Inspector's decision or denial letter; (2) a short form Environmental Assessment form; (3) a survey of the property showing all features relevant to the variance; & (4) a copy of any prior decisions or resolutions regarding the property and submit an original and 9 copies of all the papers to the Secretary of the ZBA. Incomplete applications may not be accepted or put on the agenda.
I also understand I must also post a sign pursuant to section 235-82 and send written notification by certified mail, return receipt requested pursuant to section 235-83 before your appeal will be heard.

I hereby depose and say that all of the above statements and all statements contained in papers submitted with this application are true.

Sworn to before me
2 day of May, 2012

Notary Public, State of New York

Title:

JOHN A. RUSSO
Notary Public, State of New York
Qualified in Dutchess County
Certified in Westchester County
No. 01RU6225091
My Commission Expires 07-19-20

Does this application require referral to the Westchester County Department of Planning? ____

Building Inspector

14-16-4 (11/95)—Text 12

PROJECT I.D. NUMBER

617.20
Appendix C
State Environmental Quality Review

SEQR

SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR: DAVID MOONEY
2. PROJECT NAME: 10 SEVILLE AVE.
3. PROJECT LOCATION: Municipality HARRISON County WESTCHESTER
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map): 10 SEVILLE AVE
5. IS PROPOSED ACTION: ☐ New ☐ Expansion ☒ Modification/alteration
6. DESCRIBE PROJECT BRIEFLY: PERGOLA ADDITION OFF THE REAR OF AN EXISTING HOUSE
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? ☐ Yes ☒ No If No, describe briefly: SIDE VARIANCE REQUIRED
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? ☒ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☐ Park/Forest/Open space ☐ Other Describe:
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? ☒ Yes ☐ No If yes, list agency(s) and permit/approvals: VARIANCE + BUILDING PERMIT
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? ☒ Yes ☐ No If yes, list agency name and permit/approval: C.O.
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? ☒ Yes ☐ No C.O.

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: DAVID MOONEY Date: 4/30/12

Signature: D. Mooney

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

TOWN OF HARRISON
VILLAGE OF HARRISON
ALFRED F. SULLA, JR. MUNICIPAL BUILDING
BUILDING DEPARTMENT
1 HEINEMAN PLACE
HARRISON, NEW YORK 10528

Telephone: (914) 670-3050
Fax: (914) 835-7491

April 17, 2012

COX LEONE L
10 SEVILLE AVE
RYE, NY 10580

Re: 10 SEVILLE AVE, 0565-011.
11-00019854

Dear COX LEONE L:

Pursuant to a review of the site plan and plans submitted for the proposed plan amendment for a pergola addition, this application is hereby denied for the following reason.

The property is located in an R-1 Zone. The property is legally existing non-conforming with regard to the side yard setbacks and lot size. Pursuant to §235-9(B) of the Table of Dimensional Regulations of the Town/Village of Harrison the minimum required side yard setback is (20) feet.

The proposed pergola to be installed at the rear of the house increases this non-conformity with a proposed side yard setback of (10.4) feet thus requiring a variance of (9.6) feet.

An application for a variance to the Zoning Board of Appeals shall be taken within sixty (60) days of this rejection and notice of such appeal specifying the grounds and therein must be filed with the Secretary of the Board of Appeals, at this address in accordance with section 235-58 of the Zoning Ordinance for a Public Hearing.

Very truly yours,

Rocco Germani
Assistant Building Inspector

Cc: Zoning Board of Appeals

FILED THIS
18 DAY OF
April 2012
Jacqueline Green
Town Clerk, Harrison, New York