

**ZONING BOARD OF APPEALS
TOWN HALL- COURT ROOM
15 BEDFORD ROAD
ARMONK, NY 10504
May 25, 2023
7:30 P.M.**

Joseph Monticelli, Chairman
Lester Berkelhamer
John Stipo
Robert Greer
Scott Stopnik

Gerald Reilly, Esq. Town Counsel

Rob Melillo, Building Inspector
Lori J. Zawacki, Secretary

1. SUSAN BENTHALL, 22-24 Starkey Road, West Harrison, NY 10604 and known on the Town Tax Assessment maps as Section 123.05, Block 1, Lot 47 and located in an R ½ A Zoning District. In order to legalize the existing deck the applicant will need the following variance:

The minimum required side yard setback in a R1/2A Zoning District per Section 355-21 is 20 feet, where 7.81 feet are provided requiring a variance of 12.19 feet.

2. HERLEW REALTY LLC, 12 Labriola Court, Armonk, NY 10504 and known on the Town Tax Assessment Maps as Section 107.04, Block 2, Lot 22 and located in a RELIP Zoning district. In order to install an emergency power generator within the front yard property the applicant will need the following variance:

Pursuant to Section 355-15(Q)(2) of the Town Code the minimum front yard setback for a generator is 300 feet, where 148.2 feet are provided requiring a variance of 151.8 feet.

3. ROBERT LEVINE, 11 Piping Brook Lane, Bedford, NY 10506 and known on the Town Tax Assessment Maps as Section 101.02-Block 2, Lot 33 and located in an R2A Zoning District. In order to obtain a Certificate of occupancy, the applicant will need the following variances:

1. The maximum gross land coverage permitted per Section 355-26CD (1)(b) is 14,487 sq. ft. where 20,850 sq. ft. is provided requiring a variance of 6,363 sq. ft.

2. The maximum permitted side yard setback per Section 355-21 is 15 feet where 8.7 feet are provided requiring a variance of 6.3 feet.

4. JOSEPH & CELESTE RAULT, 209 Bedford Banksville Road, Bedford, NY 10506 and known on the Town Tax Assessment Maps as Section 95.03, Block 2, Lot 35 and located in a R4A Zoning District. In order to obtain site plan approval, the applicants will need the following variances:

1. A Gross Floor Area Variance of 7,708 sq. ft.

2. A Gross Land Coverage Variance of 12, 970 sq. ft.

3. A Gross Floor Area Variance from Zoning Code 355-21 because the proposed accessory structure, the accessory apartment, will exceed 25% of the gross floor area of the principal building.

4. A second Gross Floor Area Variance from Zoning Code 355-21 because the second proposed accessory structure, the garage, will also exceed 25% of the principal building.

5. A height Variance from Zoning Code 355-21 because the height of the proposed garage exceeds the maximum permitted height for an accessory structure.

6. A height Variance from Zoning Code 355-21 because the height of the proposed accessory apartment exceeds the maximum permitted height for an accessory structure.

7. A Variance from Zoning Code 355-40K(4)(a) because the proposed accessory apartment is located in a new structure.

8. A Gross Floor Area Variance from Zoning Code 355-40K(11) because the accessory apartment exceeds the maximum permitted apartment size.

5. JAMES DEMPSEY, 38 Creemer Road, Armonk, NY and know on the town Tax Assessment Maps as Section 108.04, Block 2, Lot 15 and located in the RA zoning Disstrict. In connection with the existing accessory apartment, the applicant is requesting the following interpretation/variances from the Town Code:

INTERPRETATION RELIEF:

The Applicant requests that the ZBA grant the following determinations:

- a) Modifying the Building Inspector's Determination that the existing structure is "new" by determining the structure is a pre-existing nonconforming building that in fact existed prior to October 11, 1984. Therefore, no area variance relief from Section 355-40.K(4) is required.
- b) Modifying the Planning Staff Report's determination that use category # 5 under the "Permitted Accessory Uses" column of Section 355, Attachment 1 applies by determining that the accessory apartment use is a separate, distinct use category. As a result, no area variance relief from the size restrictions of use category # 5 under the "Permitted Accessory Uses" column of Section 355, Attachment 1 is required.
- c) Modifying the Planning Staff Report's determination that the size restrictions of Section 355-40.K(11) apply to the detached accessory apartment structure. Therefore, no such area variance relief from the size restrictions of Section 355-40.K(11) is required.

AREA VARIANCE RELIEF:

In the event that the ZBA does not grant any or all of the above requested interpretations, the Applicant submits this alternative request for area variance relief from the following provisions of the Zoning Code:

- 1) Section 355-40.K(4): *Area variance relief is requested to establish an accessory apartment in the detached accessory structures deemed "new" by the Building Department Determination, thus not in existence prior to October 11, 1984.*

- 2) Section 355, Attachment 1, Column 3 – Permitted Accessory Uses, Use Category 5:**
Area variance relief is requested to permit an accessory building exceeding 25% of the floor area of the main building whereby the accessory apartment structure totals 1,431 s/f and the principal dwelling size is approximately 3,340 s/f. The accessory structure totals 42.8% of the principal dwelling size, thus an area variance of 17.8% or 596 s/f is requested.
- 3) Section 355-40K(11): Apartment size.** *Area variance relief is requested to permit an accessory apartment exceeding 33% of the first 2,000 s/f of floor area and 25% of the floor area exceeding 2,000 s/f of the principal dwelling wherein the accessory apartment structure totals 1,431 s/f and the principal dwelling size is approximately 3,340 s/f. The maximum permitted accessory apartment structure size is 995 s/f based on the principal dwelling size, thus an area variance of 436 s/f is requested.*

Lori J. Zawacki, Secretary