

VILLAGE OF MUNSEY PARK  
BOARD OF APPEALS

BZA No. 312

WHEREAS, Mr. & Mrs. Corti residing at 31 Waldo Lane, Manhasset, New York 11030, known as Section 3, Block 210, Lot 7 on the Tax Map of Nassau County (hereinafter the 'Premises'), have appealed to the Board of Appeals for a variance from Section 200-12, which requires in the 'Residence A' District, that there shall be provision for storage within the main building on the premises for at least two cars.

WHEREAS, on May 21, 2018, at 7:00 p.m., after due notice, the Board of Appeals held a public hearing on said application, said hearing was continued, upon the consent of the Applicant and the Board, on June 18, 2018, at which time any and all persons interested in that appeal were given an opportunity to appear and be heard;

WHEREAS, The Applicants appeared along with their architect, the Board was provided with proof of Notice, as required by the Code, and no party appeared in opposition; Letters purported to be from five (5) neighbors in the area were provided, all indicating support for the applicants' request for an area variance.

WHEREAS, Section 200-12, added by Local Law No. 4-1989, requires that there shall be a there shall be provision for storage within the main building on the premises for at least two cars.

WHEREAS, in their application, the applicants request a variance to demolish an existing one-car garage and construct a new one car garage, attached to the existing residence on the north side of the residence which is located on the west side of Waldo Lane one hundred seventy-five (175') feet south of Kensett Road.

WHEREAS, Village Law Section 7-712-b(3) requires that in making determination for an area variance, a zoning 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 shall also

consider: (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; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

WHEREAS, the Board finds that this property possesses unique topography which presents a specific hardship with regard to compliance with the Code's mandate for a two-car garage attached to the main dwelling (§200-12). Additionally, the residence was originally built with a one car garage and is currently non-conforming.

NOW THEREFORE, that the Board of Appeals finds that the benefit to the applicant from the granting of the variance for the proposed alterations to the premise, outweighs any potential detriment to the neighborhood or community. The proposed alterations would not produce any undesirable change to the neighborhood or detriment to the nearby properties, will not have any negative impact on the physical or environmental conditions in the neighborhood. The Board further finds that the property's unique topography creates a hardship that was not self-created, that this is an existing non-conforming premise, and that there is no other reasonable means to accomplish the desired benefit that would not require an area variance; therefore

BE IT RESOLVED, that the application for a variance from Sections 200-12 of the Village Code be, and hereby is, granted. The forgoing resolution was moved by Member Kirkwood and seconded by Member Farrer, and adopted as follows:

Joseph Russo, Chairperson	-	Aye
Richard Susi, Member	-	No
Tara Kirkwood, Member	-	Aye

Bill Harvey, Member

- Aye

Robert Farrer, Member

- Aye

Dated: \_\_\_\_\_

Filed: \_\_\_\_\_

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Richard Susi, Acting Chairperson