

**ARDSLEY ZONING BOARD of APPEALS**  
**RESOLUTION of JULY 26, 2023**  
**GRANTING VARIANCE for NEW DECK, PATIO AND POOL**  
**WHERE BUILDING COVERAGE EXCEEDS THE MAXIMUM**  
**PERMITTED and WHERE THE SIDE YARD WIDTHS**  
**ARE LESS THAN THE MINIMUM REQUIRED**  
**To: YUANMING CHU and FEDERICO SHEPHARD**

WHEREAS, Federico Shephard and Yuanming Chu, 48 Western Drive, Ardsley NY 10502, have applied to this Board for variances from Sections 200-9 Building Coverage and 200-10B Yard Requirements - Side Yard Width of the Zoning Code of the Village of Ardsley in order to demolish an existing rear deck and construct a new deck and patio in the rear yard and to construct an in-ground swimming pool in the rear yard of the above referenced property; and

WHEREAS, this application is made under the authority of Sections 115-6 and 200-97, Subdivision B of the Zoning Ordinance of the Village of Ardsley, affecting the premises known as 48 Western Drive, Ardsley, New York and designated as Section 6.50, Block 31, Lot 10, which is within an R-1 One-Family Residential District; and

WHEREAS, a public hearing on this application was held by the Ardsley Zoning Board of Appeals at the Municipal Building, 507 Ashford Avenue, Ardsley, NY on June 28, 2023 after due notice by publication; and

WHEREAS, at the hearing, all those who desired to be heard were heard and their testimony recorded; and

WHEREAS, this Board, after carefully considering all testimony and the application, and in weighing both the potential benefit to the applicant and the potential detriment to the health, safety and welfare of the neighborhood if the variance is granted, has determined that:

- (1) there will not be an undesirable change in the character of the neighborhood or a detriment to nearby properties if the variances are granted, in that the proposed additions are only minimally increasing the existing non-conformity regarding side-yard width (minimum 30 feet). The existing minimum side-yard width on the right side of the residence is 20'2" to the existing house and the proposed side yard width on the right side is 21' to the proposed deck, and is 13'9" to the proposed pool; the existing side-yard width on the left side is 30.46 feet to the existing house and the proposed side yard width on the left side is 31.5 feet to the proposed deck which is code compliant and 12 feet to the proposed pool;
- (2) the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue in their reasonable use and possession of the premises, as the existing structure, like many older homes in the surrounding neighborhood, and generally elsewhere in the Village, is non-conforming in terms of building coverage and side-yard setbacks. In particular, the essentially triangular shape of the lot, with the side lines converging from the street, provides almost no rear yard area within the setbacks;
- (3) the requested variances are not substantial, in that the proposed increase in building coverage (from the existing 2,842 square feet to 3,672 square feet) is 830 square feet (5.1% of the lot) area, mainly accounted for by the addition of the proposed pool which is considered a residential accessory structure;
- (4) the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood and therefore do not change the overall character of the premises relative to neighboring properties, and will not appear to meaningfully impact other property owners, if at all, since the proposed additions are to the rear of the existing residence, with one replacing an existing elevated deck with a more usable space and one adding a swimming pool to enhance the applicants' use of the property.

NOW THEREFORE, be it resolved that the application of Yuanming Chu and Federico Shephard is granted.

PROPOSED BY: Mr. Serge Del Grosso

SECONDED BY: Mr. Jacob E. Amir

ROSTER: Mr. Michael Wiskind, Chair – AYE

Mr. Jacob E. Amir – AYE

Dr. June Archer – AYE

Mr. Serge Del Grosso – AYE

Mr. Mort David – AYE