

**ARDSLEY ZONING BOARD OF APPEALS**  
**RESOLUTION**  
**of MARCH 23, 2022**  
**GRANTING VARIANCES**  
**OF REAR AND FRONT YARD SETBACK REQUIREMENTS**  
**AND OF BUILDING COVERAGE AND LAND COVERAGE AMOUNTS**  
**FOR CONSTRUCTION OF REAR AND SIDE YARD DECKS AND OF**  
**PATIO ADDITIONS TO EXISTING NON-CONFORMING DWELLING**  
**To: ROSS AND AMANDA FIRSENBAUM**

WHEREAS, Ross and Amanda Firsenbaum of 38 Western Drive, Ardsley, New York have applied to this Board for variances from the requirements of Sections 200-10, 200-9, and 200-83C of the Zoning Ordinance of the Village of Ardsley for permission to construct a rear deck and northeast side deck and patio additions to the existing non-conforming dwelling. The proposed work would result in front and rear yard depths which are less than the 40-foot minimum required, and building coverage and gross land coverage amounts which would exceed maximum permitted amounts; and

WHEREAS, this application is made under the authority of Section 200-97 Subdivision B of the Zoning Ordinance of the Village of Ardsley, affecting premises known as 38 Western Drive, Ardsley, New York and designated as Section 6.50, Block 31, Lot 7 within an R-1 One-Family Residential District on the tax maps of the Village of Ardsley; 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, New York on February 23, 2022 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 finds the following:

WHEREAS, this Board, in weighing both the potential benefit to the applicant and the potential detriment to the health, safety and welfare of the neighborhood if the variances are granted, has determined that:

- (1) Neither an undesirable change will be produced in the character of the neighborhood nor a detriment to nearby properties will be created by the granting of the setback and coverage variances as the property is undersized for the R-1 zone at 22,216 square feet versus the required 40,000 square feet, and the largely rectangular lot is atypical in that the long edges form the front and rear property lines. The existing front and rear setbacks are 26.8 feet and 36.8 feet respectively, less than the 40-foot requirement. However, the property (and front setback) appear larger from the street as there is approximately 9,000 square feet of undeveloped and undevelopable Village property (maintained by the applicants) between the Western Drive curb line and the applicant's property.

Additionally, although the proposed northeast side deck and patio would extend past the front of the house into the front yard setback, the Code definition indicates "The depth of the 'front yard' shall be measured between the front line of the building and the street line." By this standard, the distance between the street line and the proposed work would be approximately 100 feet, mitigating any concerns over the front setback. And, while the proposed rear deck (which would be at ground level) would reduce the rear setback to 29 feet, the deck would extend no further than the existing stone retaining walls that run perpendicular to the rear façade.

Overall, the proposed work would increase building coverage from the existing 2,530 square feet (11.4%) to 3,066 square feet (13.8%), versus the maximum permitted 12%. Land coverage would increase from the existing 4,924 square feet to 6,068 square feet, versus the basic permitted 4,766 square feet and the maximum permitted 5,610 square feet. The maximum permitted levels of both building coverage and land coverage are constrained by the undersized lot, and the requested increases are not substantial relative to the overall property.

- (2) The benefits sought by the applicants cannot feasibly be achieved by some other method since the existing property is non-conforming.
- (3) The requested variances are not substantial, as detailed in subparagraph (1) above.
- (4) The requested variances will not have an adverse impact on the physical or environmental conditions in the neighborhood, as the proposed work incorporates drainage improvements (including a rain garden) to address existing rear yard issues and manage additional runoff from the new hard surfaces.
- (5) The variance requests do not arise from a self-created difficulty, but rather from the applicant's desire to improve their property for the use of their family.

NOW THEREFORE, be it resolved that the application of Ross and Amanda Firsenbaum is granted.

PROPOSED BY: Mr. Michael Wiskind, Chair

SECONDED BY: Mr. Jacob Amir

VOTE: 4 in favor, none opposed, none abstaining, as follows:

MICHAEL WISKIND, CHAIR – AYE

JACOB AMIR – AYE

DR. JUNE ARCHER – ABSENT

MORT DAVID – AYE

SERGE DEL GROSSO – AYE