

**VILLAGE OF ARDSLEY
ZONING BOARD OF APPEALS
RESOLUTION OF OCTOBER 25, 2023
AS AMENDED ON NOVEMBER 29, 2023
GRANTING VARIANCE FOR AN ADDITION
WHERE THE SIDE YARD SETBACK IS LESS THAN
THE FIFTEEN FEET MINIMUM REQUIRED
To: MARC A. and JILLIAN E. WEINMAN**

WHEREAS, Marc A. & Jillian E. Weinman, of 16 Western Drive, Ardsley, New York, 10502, have applied to this Board for a variance from Section 200-26B entitled “Yard Requirements” of the Zoning Code of the Village of Ardsley in order to construct a second-story addition to the existing, non-conforming, one-story dwelling where the south side yard width is 9.32 feet to the existing house, and 9.32 feet to the proposed addition; and, on the north side of the premises, the side yard width is 12.19 feet to the one-story garage of the existing dwelling, and 24.19 feet to the proposed second-story addition, and the applicants seek a variance from the strict application of the 15-foot minimum side yard width requirement; and

WHEREAS, this application is made under the authority of Section 200-26B, of the Zoning Ordinance of the Village of Ardsley, affecting the premises known as 16 Western Drive, Ardsley, New York and designated on local tax maps as Section 6.80, Block 56, Lot 32, which is within an R-3 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 September 27, 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 variance is granted, in that the proposed addition maintains the existing non-conformity of 9.32 feet on the south side of the premises, and does not increase the existing non-conformity on the north side;
- (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 side-yard setbacks, and the applicants are creating a larger home on the existing premises versus purchasing a new dwelling recognizing the relatively high interest rates on new home mortgages in the current marketplace;
- (3) the requested variance is not substantial, in that the proposed addition does not extend the existing encroachment into the side-yard setback or create more than a minimal increase in building coverage or land coverage, which both remain below the maximum permitted levels;
- (4) the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood and therefore does 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 portion of the neighboring property adjacent to the proposed second-story addition is that property's garage with no obstruction or reduction in visibility;

NOW THEREFORE, be it resolved that the application of Marc A. & Jillian E. Weinman, of 16 Western Drive, Ardsley, New York, is granted.

PROPOSED BY: Mr. Serge Del Grosso

SECONDED BY: Mr. Mort David

ROSTER: Mr. Michael Wiskind, Chair – AYE

Mr. Jacob E. Amir – AYE

Dr. June Archer – ABSENT

Mr. Mort David – AYE

Mr. Serge Del Grosso – AYE