

ARDSLEY ZONING BOARD OF APPEALS
RESOLUTION
Of JANUARY 26, 2022
GRANTING VARIANCES
FOR SECOND STORY ADDITIONS
WHERE THE SIDE YARD SETBACKS
ARE LESS THAN THE MINIMUM REQUIRED
TO: JENNIFER AND SHEA K. GALLANTE

WHEREAS, Jennifer and Shea K Gallante, 38 Heatherdell Road, Ardsley NY 10502, has applied to this Board for a variance from Section 200-26B of the Zoning Ordinance of the Village of Ardsley for construction of a second-story addition and two-story rear addition to the premises; 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 38 Heatherdell Road, Ardsley, New York and designated as Section 6.50, Block 20, Lots 3 and 15, and 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 December 22, 2021 after due notice by publication; and

WHEREAS, at the hearing no one appeared in opposition, and 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. neither an undesirable change in the character of the neighborhood, nor a detriment to nearby properties, will be created by the granting of the variance, where other single-family homes within the neighborhood of the applicant feature second-story and rear-additions similar to the additions the applicant seeks to construct;
2. the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue in its reasonable use and possession of the premises, as the property is improved by an existing non-conforming dwelling, the design plans submitted to this Board reflect that construction will remain within the existing footprint of the dwelling, and the property is of an unusual dimension which does not reasonably provide for alternative means to achieve the applicant's intended additions;
3. the requested variance is not substantial, in that the second-story addition on the west side of the property will remain with an existing 8.57 feet setback, and the two-story rear addition will remain within an existing 4.51 feet side yard setback, notwithstanding increasing the total square footage of the non-conforming structure;
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 commercial premises relative to neighboring properties, in that the additions within the existing footprint will not be readily or easily noticeable from the street; and
5. the circumstances requiring the variances was not self-created where the additions are to an existing non-conforming dwelling, and even if self-created, same would not preclude the granting of a variance.

NOW THEREFORE, be it resolved that the application of Jennifer and Shea K. Gallante, 38 Heatherdell Road, Ardsley, New York is granted.

PROPOSED BY: Mr. Jacob E. Amir

SECONDED BY: Mr. Mort David

VOTE: 5 in favor, none opposed, none abstaining, as follows:

ROSTER: Mr. Michael Wiskind, Chair – AYE

Mr. Jacob E. Amir – AYE

Dr. June Archer – AYE

Mr. Serge Del Grosso – AYE

Mr. Mort David – AYE