

ARDSLEY ZONING BOARD of APPEALS

RESOLUTION of JULY 26, 2023

GRANTING VARIANCE FOR AN ADDITION

**WHERE THE SIDE YARD SETBACK IS LESS THAN THE 20 FEET
MINIMUM REQUIRED ON THE SIDE STREET OF A CORNER LOT**

To: MICHAEL CAMARRA and GABRIELLE GUGLIOCCIELLO

WHEREAS, Michael Camarra and Gabrielle Gugliocciello, 2 Prospect Avenue, Ardsley NY 10502, have applied to this Board for variances from Sections 200-26 (“Yard requirements” in an R-3 Zone) and 200-89 (“Corner lot transition”) of the Zoning Code of the Village of Ardsley in order to remove an existing non-conforming three season room and construct a new non-conforming year-round sunroom in its place at the 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 2 Prospect Avenue, Ardsley, New York (“Premises”) and designated as Section 6.80, Block 73, Lot 9, 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 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 new year-round room merely replaces the existing three-season room without any change in the footprint of the Premises, and adds double doors to the rear portion where the air conditioning condenser presently is situated, providing more suitable ingress/egress to the existing dwelling at the sunroom;

- (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 change in functionality of the sunroom does not change the dimension of the existing dwelling, the footprint of the dwelling remains the same, and there is no other alternative means of achieving the Applicant's goal of enabling the space to be used year-around;
- (3) the requested variances are not substantial, in that the existing minimum rear-yard setback requirement is 20 feet and both the existing and proposed setbacks will remain at 19.3 feet, and that the existing side-yard setback requirement at each side is 15 feet and both the existing and proposed setbacks will remain, respectively, at 14 feet on the west side and 39.5 feet on the east side. Additionally, the Premises is a legal two-family dwelling, such that no variance is needed for the proposed increase in land coverage from the existing 3,886.7 square feet to 3,945.7 square feet to add a paved walkway;
- (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, where the alteration to the Premises is occurring at the rear thereof and will not impact adjacent properties; and
- (5) the hardship suffered is not self-created, given the dimension of the property and the existing three season room, but even if self-created, does not preclude a grant of the variances requested.

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NOW THEREFORE, it is hereby resolved that the application of Michael Camarra and Gabrielle Gugliocciello, 2 Prospect Avenue, Ardsley, New York is granted.

PROPOSED BY: Mr. Mort David

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