

**CITY OF NEW ROCHELLE
DEPARTMENT OF DEVELOPMENT
BOARD OF APPEALS ON ZONING AGENDA**

NOTICE IS HEREBY GIVEN pursuant to Chapter 331, Article XV, Section 134, of the Zoning Chapter of the New Rochelle Code, that a Regular Meeting will be held by the Board of Appeals on Zoning, in Meeting Room, B-1, City Hall, 90 Beaufort Place, New Rochelle, New York on **Tuesday evening, April 2, 2019 at 7:00pm** for the adjourned cases and new cases regarding the applications listed below. The BAZ welcomes all written comments from the public on applications to be heard by the Board. Time Permitting, we will welcome comments to the Board delivered orally at the hearing. The Chair reserves the right to limit the time and number of speakers on any matter before the Board:

Board of Appeals on Zoning member training at 6pm in the Department of Development, 515 North Avenue New Rochelle, NY. (NOT OPEN TO PUBLIC)

ADJOURNED CASES

CASE #42-2018 YARDLEY CUSTURA, for permission to construct an in-ground swimming pool, accessory to an existing one-family dwelling. Amendment: Legalize changes (pool setback) and additional work (patios and shed construction); whereas the 18.19' pool side yard setback to legalize is less than the minimum required of 20'; whereas the \pm 1.5' pool patio side yard setback to legalize is less than the minimum required of 6'; whereas the \pm 2' paving stone detached patio to be legalized is less than the minimum required of 6'; whereas the \pm 3' detached stone patio rear yard setback to be legalized is less than the minimum required of 10'; whereas the \pm 1.34' shed side yard setback to be legalized is less than the minimum required of 6' in an R1-15 zoned district, at the premises **203 Elk Avenue, Block 2006, Lot 53 [area variance]**

ADJOURNED BY APPLICANT UNTIL JUNE

CASE #2-2019 17 S. DIVISION STREET REALTY, LLC, for permission for renewal of expired permits to construct a 3rd story addition and convert the 2nd & 3rd stories use to 4 dwelling units. (3rd floor use required to be commercial as per BAZ condition, resolution #10-04, adopted on 2/3/04.); whereas the elimination of the condition of approval of an area variance for FAR greater than permitted (0.25 proposed/0.2 permitted) by the Board of Appeals on Zoning requires approval from the Board; whereas the proposed 0 parking space is less than the minimum required of 7 spaces in an DB zoned district, at the premises **17 Division Street S., Block 413, Lot 28 [area variance]**

APPLICATION WITHDRAWN

CASE #4-2019 MIGUEL CEJA, for permission to demolish an illegal carport, construction of a new two-car garage accessory to an existing two-family dwelling, and removal of a portion of a patio to be legalized (pavers and concrete) encroaching onto the required side yard; whereas the proposed garage building area is 42.3% of the principal building which is more than the maximum permitted of 25% for an accessory structure; whereas the proposed 31.4% total building coverage is more than the maximum permitted of 30%, whereas the proposed $\pm 2.7'$ side yard setback for the garage is less than the minimum required of 6', whereas the proposed $\pm 3.6'$ rear yard setback for the garage is less than the minimum required of 10' in an R2-7.0 zoned district, at the premises **15 Sycamore Avenue, Block 678, Lot 8 [area variance]**
WITHDRAWN BY APPLICANT

CASE #6-2019 ALEX MUSCARELLA, for permission to install an in-ground swimming pool for an existing one-family dwelling, construction of a new paved terrace around the pool, and change of fence height; whereas the proposed $\pm 5.0'$ rear yard setback of stone deck to be legalized is less than the minimum required of 10', whereas the proposed $\pm 5.8'$ street yard setback of stone deck is less than the minimum required of 25', whereas the proposed 6' height to be legalized for the fence within the required street yard setback is more than the maximum permitted of 4' in an R1-15 zoned district, at the premises **200 Overlook Circle, Block 1042, Lot 1 [area variance]**

CASE #8-2019 BIBLE WAY CHURCH, for permission to convert an existing nightclub/bar to a place of worship; whereas the proposed 0 parking spaces provided is less than the 41 spaces required in a NA zoned district, at the premises **444 North Avenue, Block 1218, Lot 69 [area variance]**

CASE #11-2019 NICOLE AVERILL, for permission to construct an open roof structure to cover an existing patio in the rear yard; whereas the proposed rear yard setback of $\pm 14.5'$ is less than the minimum required of 30' in a R1-7.5 Zoned District, at the premises **85 Shadow Lane, Block 352, Lot 37 [area variance]**
WITHDRAWN BY APPLICANT

NEW CASES

CASE #12-2019 JOAN BIRMAN, for permission to legalize a raised masonry terrace and wood framed deck over patio for an existing 1-family dwelling; whereas the $\pm 3.1'$ side yard setback of the terrace to be legalized is less than the minimum required of 12' (Existing 15.7'), whereas the $\pm 17.2'$ combined side yards to be legalized is less than the minimum required of 27' (Existing 29.8') in a R1-15 zoned district, at the premises **100 Wellington Avenue, Block 2165, Lot 10 [area variance]**

CASE 13-2019 MICHAEL TAX, for permission to replace existing patio & walk with pavers; whereas the proposed 4.0' rear yard setback from the patio is less than the minimum required of 10', whereas the proposed 0.6' side yard setback from the patio is less than the minimum required of 4.0' in an R1-10A zoned district, at the premises **17 John Alden Road, Block 1504, Lot 131 [area variance]**
ADJOURNED BY APPLICANT TO MAY MEETING

CASE #14-2019 DANIEL ESSNER, for permission to demolition a portion of an existing 2-story, 1-family dwelling and construct a 2-story addition in the rear as well as convert part of the garage to a storage room & create a new parking space in the front yard; whereas the proposed 0.395 FAR / 3,870 sf GFA exceeds the maximum permitted of 0.35 FAR / 3,427 sf (existing 0.31 / 3061 sf), whereas the proposed 4.5' front yard for proposed accessory outdoor parking space is less than the minimum required of 25' for accessory use in an R1-10A zoned district, at the premises **48 Sheldrake Place, Block 3109, Lot 60 [area variance]**

Updated: 4/2/19

EILEEN O'ROURKE, CHAIRPERSON
BOARD OF APPEALS ON ZONING