

Nate Weber
33 Elm Rock Road
Bronxville, NY 10708

Zoning Board of Appeals ("ZBA")
Building Department
Village of Bronxville
200 Pondfield Road
Bronxville, NY 10708

April 24, 2022

Re: ZBA 004-22, 115 White Plains Road – Fence

To the Members of the Zoning Board of Appeals,

I am writing in support of the homeowners at 115 White Plains Road and kindly request that the ZBA grant the requested variance indicated in the subject line.

I agree with the applicants in their application that all five conditions to an Area Variance under §310-51(C)(1) have been adequately provided for and the benefit of a variance far exceed the detriment to the neighborhood. For the sake of brevity, there is no need to restate those arguments here.

While §310-51(C) only asks the ZBA *"to consider two basic elements: the benefit to the applicant versus the detriment to the neighborhood if the variance is granted"* I believe that the ZBA should also consider that granting a variance in this case is also beneficial to all of Bronxville's residents and homeowners. Given the facts presented in this application, all village residents have a vested interest in making sure there is fair and reasonable way for zoning conflicts of a casual and peripheral manner to be resolved. The applicant followed procedure and procured a fencing permit. When a possible zoning violation was highlighted, the Building Department inspected the property and took no further action. Only after a second complaint was the zoning violation highlighted. Village homeowners must be able to reasonably assume that after they are granted a permit for work AND after they have a secondary inspection by the Building Department that such work will be allowed to remain and the homeowner will not be stymied with further costly action. Otherwise, Bronxville will develop a reputation where trolls and malcontents will be able to weaponize the building code and the responsiveness and seriousness of our Building Department for selfish reasons. This will increase the costs of projects for all village residents and landowners as contractors make adjustments for such delays and stoppages. Knowing that homeowners can apply for equitable relief for honest mistakes from the ZBA will go a long way to blunting such negative actions by certain village residents.

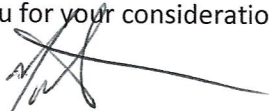
Since the fence is already erected and visible to all parties for inspection, the item under consideration clearly (1) does not create a visual detriment, (2) does not cause a vehicular, traffic, sidewalk, or other safety issue, (3) does not interfere with the operations of the police department, fire department, water company, power company, sanitation department, gas company, or other essential service, (4) does not cause environmental harm, (5) does not destroy a structure of historical architectural value, and (6) does not contradict or challenge any of the findings or desires in the 2020 Bronxville Comprehensive Plan Survey.

Removing an old, decaying unsafe fence and replacing it with a new, visually attractive fence is consistent with respondent wishes for the 2020 Comprehensive Plan Survey¹.

- The most important response on Question 1 was to *“Preserve and promote the special architectural character and appearance of existing buildings and neighborhoods.”* No buildings will be effected and there is no effect on the architectural characteristic of the neighborhood.
- The most important response to Question 4 was to *“Preserve the quality and character of existing single-family residential zones.”* The quality of the home is greatly enhanced with a new, safe fence and nothing about the character of the home is being modified or changed here.
- On Question 37, a majority of responses overwhelmingly pushed back against an overarching architectural review committee and only wanted review *“where a property owner seeks to replace or significantly change the exterior style or design of an existing single family home.”* Nothing about the exterior style of the home is being modified.

The precedent being set here is of fair and reasonable relief for homeowners for honest mistakes and oversights of a casual and peripheral manner. I do not believe the ZBA is setting a precedent of front lawn walls and fences of a fully solid nature. Especially as the fence does not run parallel to White Plain Road and the design of it already contains a substantial open element.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Nate Weber', with a long horizontal line extending to the right.

Nate Weber

¹https://www.villageofbronxville.com/sites/g/files/vyhlf336/f/uploads/bronxvillepublicsurvey_summaryresponsedata.pdf