

ZONING BOARD OF APPEALS APPLICATION

Project Name, If Applicable: _____

Project Street Address: 33 ELM ROCK ROAD

Section: 9 Block: 1 Lot(s): 2.A Zone: A

Applicant: NATHANIEL + EMILY WEBER

Address: 33 ELM ROCK ROAD

City: BRONXVILLE State: NY Zip: 10708

Phone #: 267-257-7236 Email: NATHANIEL.WEBER@GMAIL.COM

Owner: NATHANIEL + EMILY WEBER

Address: 33 ELM ROCK ROAD

City: BRONXVILLE State: NY Zip: 10708

Phone #: 267-257-7236 Email: NATHANIEL.WEBER@GMAIL.COM

Application is for:

An interpretation of the Zoning Law or a determination by the Superintendent of Buildings

Area variance(s) 310-22(A)
List Sections

Use Variance _____
List Sections

Special Permit Use _____
List Sections

Description of the proposed project and nature of the interpretation, variance(s) and/or special permit being sought: INSTALLATION OF A HEDGEROW (±6') SET BACK FROM THE CORNER OF ELM ROCK ROAD AND ORIOLE AVE. THE GOAL IS TO (1) PROVIDE SAFETY TO FAMILY'S CHILD FROM INTERSECTION, (2) GRANT PRIVACY TO THE FAMILY'S PRIMARY YARD SPACE AND PATIO, AND (3) CREATE USABLE YARD SPACE ON A SMALL CORNER LOT WITH NO BACKYARD WHILE (4) MAINTAINING INTERSECTION SAFETY FOR THE VILLAGE. THIS REQUIRES A VARIANCE FROM SECTION 310-22(A).

When did present owner acquire title? JANUARY 2019

Was the title acquired by purchase: (Yes) or (No), If so from whom? ESTATE OF ELEANOR PENNELL

Are you seeking a variance from the provisions of the ordinance? (Yes) or (No)

If so, from which ordinance, from which provision thereof and to what extent? _____

VARIANCE FROM SECTION 310-22(A). ALLOW THE HOMEOWNER TO PLANT A HEDGE ROW INSIDE THE REQUIRED 50' SET-BACK TRIANGLE WHILE MAINTAINING A LINE OF SIGHT SAFETY TRIANGLE 25' FROM THE INTERSECTION.

If you are seeking a variance from the provisions of the ordinance, do you contend that the effect of the ordinance on the property to which this appeal pertains is different from its effect on other properties in the same zoning district? (Yes) or (No) If so, in what respect and what is the cause of the difference?

THE CURRENT ORDINANCE PRESENTS A HARSHNESS TO THE HOMEOWNER. MANY PROPERTIES IN THE VILLAGE HAVE LARGE PLANTINGS WITHIN THE SET-BACK TRIANGLE. THOSE HOMEOWNERS ARE ABLE TO PROVIDE SAFETY TO THEIR FAMILIES, ENJOY PRIVACY AND USE OF SPACE, AND MAXIMIZE LAWN AREA. THE PROPOSED VARIANCE IS IN LINE WITH THE AESTHETIC OF THE NEIGHBORHOOD, MAINTAINS SAFETY OF THE STREET INTERSECTION, AND ENABLES THE HOME OWNER EQUAL ABILITY TO ENJOY YARD SPACE WITHIN A SMALL LOT WITH NO BACKYARD.

Does the owner of the premises involved in this application own any contiguous property? (Yes or No)

If so, in what respect and what is the cause of the difference? _____

N/A

Owners Signature: _____



Date: _____

8/26/21

Zoning Compliance Analysis

Property Address: 33 ELM ROCK ROAD

Zoning District: A

Flood Zone: Yes: No: X

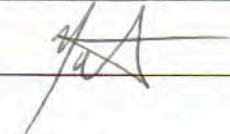
ZONING STANDARD	REQUIRED	EXISTING	PROPOSED	STATUS
BUILDING USE				
LOT AREA				
LOT WIDTH				
LOT DEPTH				
FRONT YARD				
SIDE YARD #1		NOT APPLICABLE		
SIDE YARD #2				
REAR YARD			- LANDSCAPING	
HEIGHT (Feet & Stories)				
BUILDING COVERAGE				
USABLE OPEN SPACE				
F.A.R.				
PARKING				

All applications for additions to submit complete detailed finished grade and FAR calculations, and completed F.A.R. computation worksheet on reverse, submission to be stamped by the design professional of record.

Are any variances required (or were any variances approved by the ZBA) that are not listed on the table above? XYes No

If yes, describe all additional variances: 310-22(A) HEIGHT OF PLANTING
INSIDE TRIANGLE 50' FROM STREET INTERSECTION.

Form Prepared By: Name (Print): NATHANIEL WEBER

Signature: 

Zoning F.A.R. Calculation

	EXISTING	PROPOSED	SUB TOTAL
BASEMENT ^(b)			
1 ST FLOOR			
2 ND FLOOR			
3 RD FLOOR ^(d)	/	NOT	
ATTIC ^(d)		APPLICABLE	
GARAGE ^(c)			
		LANDSCAPING	
ACTUAL TOTAL BUILDING FLOOR AREA =			
ACTUAL LOT AREA =			
PERMITTED F.A.R. (From Table, interpolate if necessary) =			
MAXIMUM PERMITTED BUILDING FLOOR AREA (ACTUAL LOT AREA X PERMITTED F.A.R.) =			

Floor Area Ratio (for a lot whose principal use is a one or two family dwelling): The ratio of the gross floor area of all buildings on a lot to the area of the lot on which the buildings are located. For the purpose of determining the floor area ratio (FAR), all floor areas of each floor of all principal and all accessory structures on the lot shall be included. Any interior space with a floor-to-ceiling height in excess of 14 feet shall be counted twice. Notwithstanding the preceding the following shall be excluded from the calculation of floor area:

- a) The aggregate area of all unroofed structures such as decks and patios and all spaces in unenclosed porches and porticos, except that existing unenclosed porches may be enclosed and the enclosed area excluded from the FAR calculation provided that the exterior walls of the unenclosed porch and the walls of the dwelling to which the porch is attached are not relocated closer to the lot lines of the subject property than the existing unenclosed porch.
- b) The aggregate area of any cellar regardless of its use or of any basement unless it is defined as a story. See Basement definition.
- c) The aggregate area of grade level garage parking (whether attached or detached) or basement level parking, in either case, up to a maximum of 400 square feet. In those instances where an additional story is provided above a garage (whether attached or detached) such floor area shall be subject to the attic and sloping roof limitations in (d) below.
- d) The aggregate area of all unfinished or finished space in an attic or under a sloping roof provided that the total exterior width of all dormers does not exceed 30% of the exterior linear width of the portion of the roof upon which they are situated. The exterior linear width of the roof shall be measured from end to end at the widest point of the roof. Where the linear width of the dormers exceeds the limitation above, the total area in the attic or under the sloping roof shall be included in the calculation of FAR, except where floor area between the top of the floor beams and the structural ceiling level is five (5) feet or less.

Calculations Prepared By: Name (Print): NATHANIEL WEBER

Signature: 

VILLAGE OF BRONXVILLE
Department of Buildings
200 Pondfield Road
(914) 337-7338
(914) 337-0158 (Fax)

PLAN REVIEW COMMENTS

APPLICATION NUMB: ALT 158-21
DATE RECEIVED: August 12, 2021
LOCATION: 33 Elm Rock Road
SBL: 9./1/2.A
APPLICANT NAME: Weber, Nathaniel
APPLICANT ADDRESS: 33 Elm Rock Road
Bronxville, NY 10708

DESCRIPTION OF WORK : Installation of a hedge row (5-7' tall) along corner of Elm Rock Road & Oriole Avenue. Provide safety to family's child from intersection. Small lot without a backyard.

DISAPPROVED 08/20/21, FOR THE FOLLOWING:

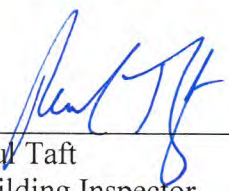
Your revised application for a permit on the above location has been reviewed and a permit may not be issued at this time for the reasons indicated below.

ZONING CODE REVIEW (Section Numbers refer to Village Code of 1981)

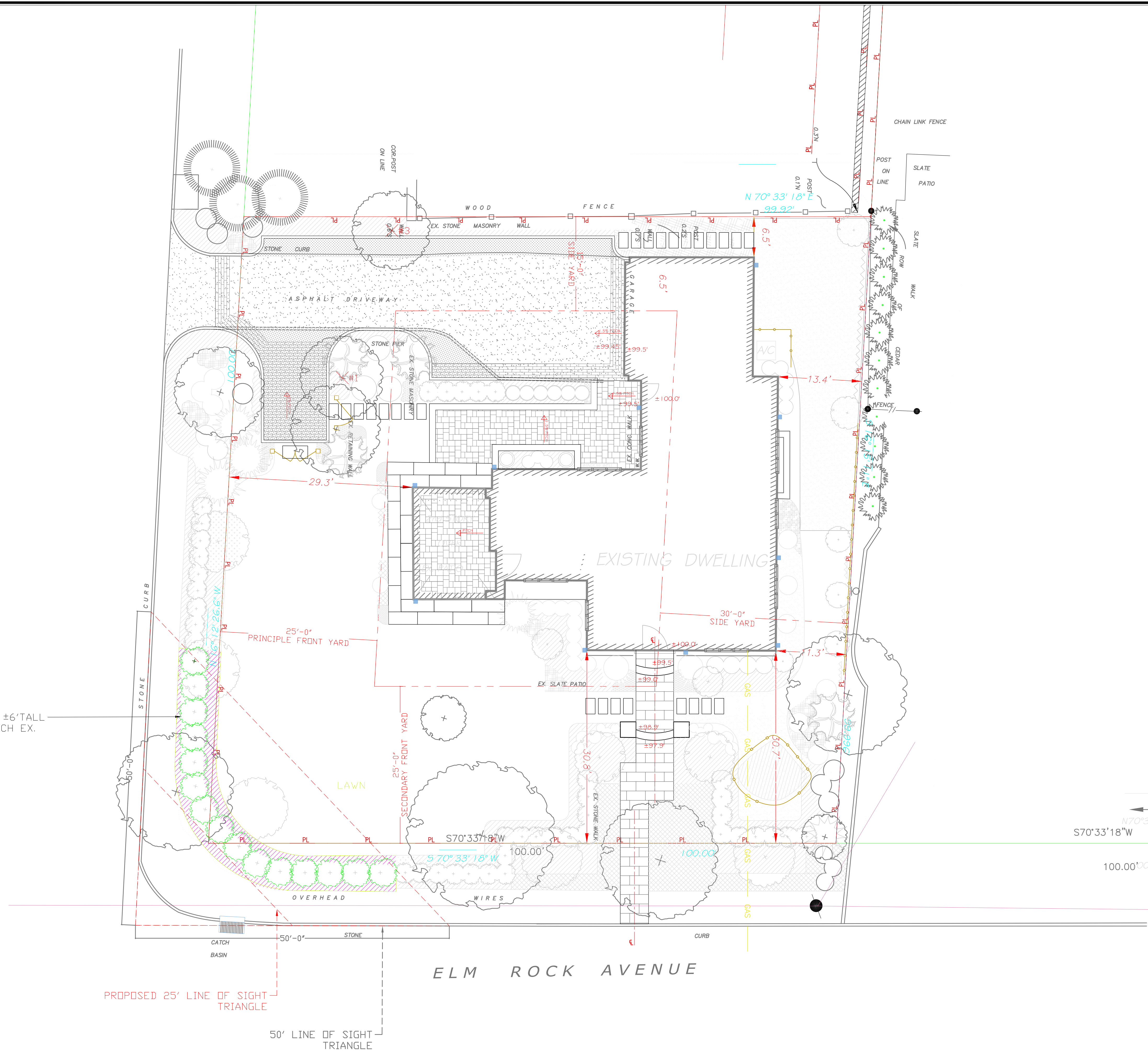
Zoning Review -

Work proposed is only landscaping, but the work does not comply with Village of Bronxville Municipal Code 310-22 (A) Obstruction to vision at street intersections. At all street intersections in all residence districts, no obstructions to vision (other than an existing building, post, column or tree) exceeding 30 inches in height above street level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines 50 feet distant from their point of intersection.

This document constitutes a final administrative determination by the Building Inspector denying your application for the reasons set forth above. Section 7-712(a) of the New York State Village Law provides that any appeal of this decision must be filed within 60 days of the date hereof with the Zoning Board of Appeals of the Village of Bronxville.

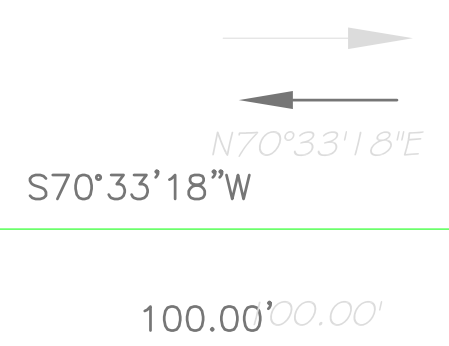


Paul Taft
Building Inspector

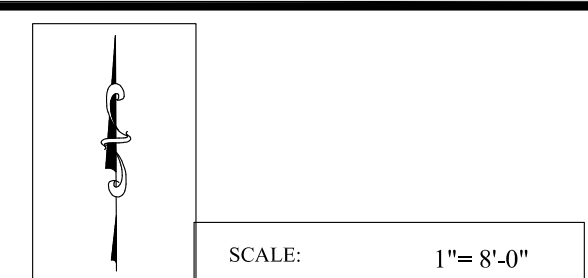


PROPOSED EVERGREEN ILEX HEDGE ±6' TALL WITH GROUNDCOVER BELOW TO MATCH EX. HEDGE AND GROUNDCOVERS.

PROPOSED 25' LINE OF SIGHT TRIANGLE
50' LINE OF SIGHT TRIANGLE



- LEGEND:
- EXISTING TREE
 - EX. TREES TO BE REMOVED
 - EX EVERGREEN TREES
 - NEW PERENNIALS +
 - NEW TREES
 - PROPERTY LINE



**AFFIDAVIT OF MAILING
LEGAL NOTICE**

I hereby swear that the following notice was given by certified mail or registered mail to the property owners listed below, at least ten (10) days prior to the hearing date:

Notice is hereby given that the Zoning Board of appeals of the Village of Bronxville will hold a public hearing at the Bronxville Village Hall, 200 Pondfield Road, Bronxville, N.Y., on Tuesday evening, September 28, 2021 at 6:30 P.M. to give consideration to the following appeals/variances:

The request of the Weber Residence, property located at **33 Elm Rock Rd**, Bronxville, New York, from a notice by the Building Inspector, for the following Section: 310-22 (A) Obstruction to vision at street intersections. At all street intersections in all residence districts, no obstructions to vision (other than an existing building, post, column or tree) exceeding 30 inches in height above street level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines 50 feet distant from their point of intersection.

All Zoning Applications can be found on our website www.villageofbronxville.com/zoning-board-of-appeals one week prior to the meeting.

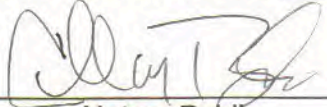


(Applicant Signature)

Nathaniel Weber

(Applicant Print Name)

Sworn before me this 9th day of SEPTEMBER 2021



Notary Public



NOTICE OF PUBLIC HEARING FOR ADJOINING PROPERTIES

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Zoning Board of Appeals of the Village of Bronxville, in the Trustee Chamber/Court Room at 200 Pondfield Road, Bronxville NY on Tuesday evening, September 28, 2021 at 6:30 P.M. to give consideration to the following appeals/variances:

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A copy of the ZBA application, including the proposed plans and all other maps and documents filed therewith, is on file and available for public inspection on any business day prior to the hearing between the hours of 10:00 A.M. and 2:00 P.M. at the office of the Superintendent of Buildings, 2nd floor, Village Hall, Bronxville NY.

The public is invited to attend and will be given reasonable opportunity to present oral or written presentations relevant to the application. The hearing maybe adjourned from time to time at the discretion of the Zoning Board.

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ATTACHED IS A COPY OF ZONING DENIAL TO THIS NOTICE)

VILLAGE OF BRONXVILLE
Department of Buildings
200 Pondfield Road
(914) 337-7338
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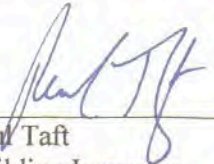
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Paul Taft
Building Inspector

Weber / 33 Elm Rock Road

Zoning Board Application

Hedge Row Planting

Summary

- *Application Ordinance:* Section 310-22 (A).
- *Ordinance Requirements:* No plantings above 30" may be maintained within a triangle formed by sides 50' from a street intersection.
- *Variance Ask:* To allow homeowner to plant a hedgerow within this triangle but maintain a 25' triangle from the street intersection that will remain in compliance with the ordinance.
- *Reason for the Ask:* The ordinance presents an undo hardship for the homeowner by denying the homeowners the simultaneous ability to provide their child safety, the family privacy, and the family use of their lot space. Homeowner has a small lot with no backyard.

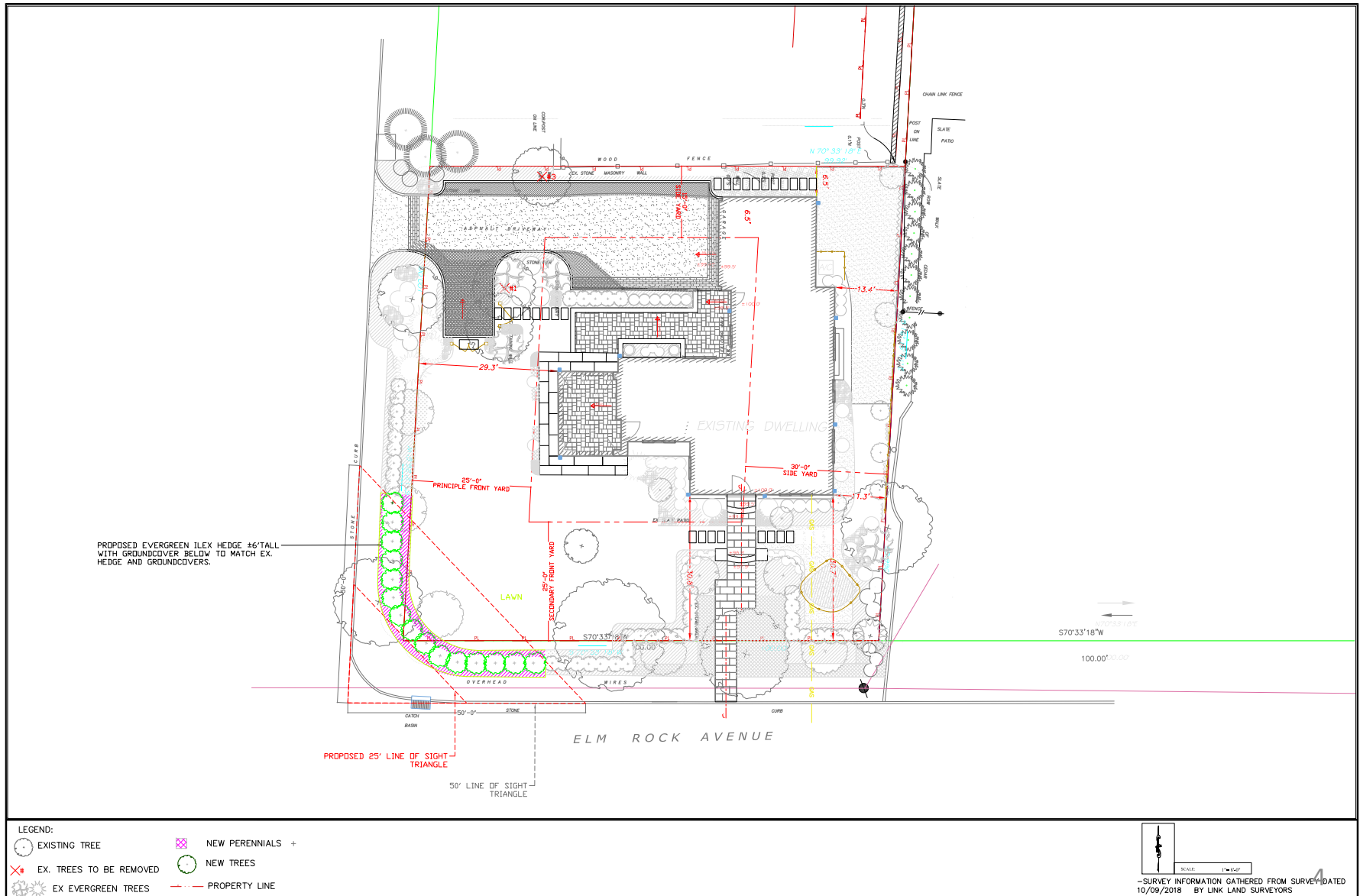
Variance Goals

1. Provide safety to the family's child from the intersection.
2. Grant privacy to the family's primary yard space and patio.
3. Create usable yard space on a small corner lot with no backyard.

--While--

4. Maintaining safety at a fully-controlled street intersection.

Proposed Planting Plan



Proposed Planting Plan – Street View



Proposed Planting Plan – Patio View

Ordinance
Required
Hedge Line



Hardship

- The homeowners are not able to simultaneously provide their child safety, the family privacy, and the family use of their lot space.
- The lot is small and the house is set back into a corner.
- There is no backyard space; the front yard is the only useable lawn space.
- Granting the ordinance will allow the family an additional ± 350 square feet of lawn.
- The lot was created and house built in 1925. The homeowner did not create this situation with any previous actions.
- Many corner lots at uncontrolled or partially controlled intersections have hedges all the way up to the intersection, allowing those families the ability to provide all 3 goals to their families.
- Please see the Appendix for neighborhood examples.

Maintain Safety of the Intersection

- A 25' triangle set-back from the street intersection will maintain safety at the intersection.
- The intersection is a fully-controlled intersection and drivers will have clear line site.

Oriole, Looking Down Elm Rock



Elm Rock, Looking Down Oriole



Area Variance Considerations

1. *Neighborhood Character:*

- The proposed hedge row is in keeping with the style of the neighborhood and village.
- Many homes in the neighborhood have hedgerows and other plantings right up to the street intersection.

2. *Benefit by Other Means:*

- There are no other lessor means for the family to simultaneously achieve its 3 main objectives.
- Following the ordinance would mean privacy and safety but limit lawn space. Keeping lawn space provides neither safety nor privacy.

3. *Substantiality:*

- The variance will grant the homeowner a meaningful ± 350 square feet of primary lawn space.
- The extra space will not infringe on any neighbor's property, block any neighbor's sunlight or view, or impact community safety.

4. *Adverse Physical or Environment Effects:*

- Safety will be maintained at the street intersection.
- The planted hedge row will enhance the environment and prevent runoff.

5. *Applicant Created Condition:*

- The lot was created and house built in 1925. The homeowner did not create this situation.
- Lot was created small and house set-back at construction, resulting in limited backyard space.

Appendix: Neighborhood Comparables

Greenfield and Woodland - 1

- Planted hedgerow along the corner with a set-back.
- Partially controlled intersection.



Greenfield and Woodland - 2

- Planted hedgerow with setback.
- Partially controlled intersection.



Greenfield and Tanglewylde

- Wall and hedge with set-back.
- Partially controlled intersection.



Oriole and Tanglewylde

- Fully planted to create a visual barrier.
- Partially controlled intersection.



Oriole and Woodland - 1

- Fully planted to create visual barrier.
- Partially controlled intersection.



Oriole and Woodland - 2

- Planted hedgerow and trees along the corner with limited set-back.
- Partially controlled intersection.



Oriole and Woodland - 3

- Planted hedgerow with set-back.
- Partially controlled intersection.



Summit and Woodland - 1

- Planted hedgerow right up to the curb.
- Partially controlled intersection.



Summit and Woodland - 2

- Planted hedgerow along curb.
- Partially controlled intersection.



Hawthorne and Studio - 1

- Hedgerow planted right up to curb.
- Partially controlled intersection.



Hawthorn and Studio - 2

- Large plantings and wall right up to curb.
- Partially controlled intersection.



Hemlock and Studio

- Planting all the way up to the curb.
- Partially controlled intersection.



Beechwood and Studio

- Large plants right up to curb.
- Space Used for Garage, Parking, and Basketball Hoop.
- Fully uncontrolled intersection.

