

**ZONING BOARD OF APPEALS APPLICATION**

**Project Name, If Applicable:** Aviles Residence

**Project Street Address:** 87 Kensington Rd, Bronxville NY 10708

**Section:** 23 **Block:** 6 **Lot(s):** 22 **Zone:** Res B

**Applicant:** Victor Aviles

**Address:** 87 Kensington Rd

**City:** Bronxville **State:** NY **Zip:** 10708

**Phone #:** 646-402-2392 **Email:** victor\_h\_aviles@outlook.com

**Owner:** Victor Aviles

**Address:** 87 Kensington Rd

**City:** Bronxville **State:** NY **Zip:** 10708

**Phone #:** 646-402-2392 **Email:** victor\_h\_aviles@outlook.com

**Application is for:**

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

Area variance(s) 310-11J, 310-22 D, 310-11D4 (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:**

310-1 IJ - No parking space shall be located in any front yard; Proposed new parking space in the front yd.

310- 22 D - Proposed driveways shall be setback 3ft from any side lot line; Proposed less than 3ft .

310-11 D 4 (a) - Fence & Walls - max combined ht - 6-1/2'; Proposed 7'- variance required - 6" for fence wall ht.

310-11 D 4(a) - Fence & Walls - required to be not more than 1/2 solid - stone retaining wall requires a variance.

When did present owner acquire title? 2019

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

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? Yes

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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?

Yes, see attached principal points letter

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? \_\_\_\_\_

No

Owners Signature: 

Date: 3/21/24

### Zoning Compliance Analysis

Property Address: 8 Kensington Rd

Zoning District: Residence B


Flood Zone: Yes:      No: X

ZONING STANDARD	REQUIRED	EXISTING	PROPOSED	STATUS
BUILDING USE	Residence	Residence	No Change	
LOT AREA	12000.0	6899.3	No Change	
LOT WIDTH	80.0	62.50	No Change	
LOT DEPTH	100.0	110.39	No Change	
FRONT YARD	20.0	40.15	No change	
SIDE YARD #1	12.0	8.39	No Change	
SIDE YARD #2	12.0	12.86	No Change	
REAR YARD	30.0	26.6	No Change	
HEIGHT (Feet & Stories)	30/2.5	25.7/2.5	No Change	
BUILDING COVERAGE	25%	17.8%	No Change	
USABLE OPEN SPACE	400.0	4661.3	4337.3	
F.A.R.				
PARKING	1	1	2	Exst Rear/ Prop Front
				Variance Rqd- 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? X Yes      No


If yes, describe all additional variances: (1) Proposed parking space in the front yard; (2) Prop side lot line setbk to parking is less than 3ft; (3) Proposed fence 6" above allowed; (4) Proposed retaining wall solid > than 1/2 height

**Form Prepared By:** Nicholas Faustini  
**Name (Print):** Nicholas Faustini  
**Signature:** 

**Zoning F.A.R. Calculation**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>SUB TOTAL</b>
BASEMENT <sup>(b)</sup>	--	-	n/a
1 <sup>ST</sup> FLOOR	--		n/a
2 <sup>ND</sup> FLOOR	--		n/a
3 <sup>RD</sup> FLOOR <sup>(d)</sup>			
ATTIC <sup>(d)</sup>	--		n/a
GARAGE <sup>(c)</sup>	--		n/a
Existing FAR	--		n/a
Proposed FAR	--		n/a
% Increase of FAR	--		n/a
<b>ACTUAL TOTAL BUILDING FLOOR AREA =</b>			n/a
<b>ACTUAL LOT AREA =</b>			n/a
<b>PERMITTED F.A.R. (From Table, interpolate if necessary) =</b>			n/a
<b>MAXIMUM PERMITTED BUILDING FLOOR AREA (ACTUAL LOT AREA X PERMITTED F.A.R.) =</b>			n/a

**\*\*\*Please refer to the Village of Bronxville Municipal Code Section 310- 22  
Supplementary Regulations.**

Calculations Prepared By: Name (Print): Nicholas L Faustini RA  
 Signature: 

March 22, 2024

Village of Bronxville  
Zoning Board of Appeals  
200 Pondfield Rd  
80 Wheeler Avenue  
Bronxville, New York 10708

nicholas I faustini  
architect pc

Re: Letter of Principle Points, Area Variance Request for:  
87 Kensington Rd Bronxville NY; SBL: 23.16/22; Application#: ALT 074-24:

Dear Chairman Mackintosh and Members of the ZBA:

We are writing to request area variance(s) related to the construction of a new one car driveway at the front yard of the above referenced single family residence located at 18 Kensington Rd. The subject property is located within a Residence B district composed primarily of Single Family and MultiFamily Residential Structures and immediately adjacent to the Metro North Railroad Line.

The addition of the new parking area at the property will not only increase the property value, but provide safe and convenient access for the homeowner. We feel that the benefit of constructing the driveway outweighs the detriment, if any, this variance would cause to the neighborhood.

#### Area Variances Requested

1. *As per 310-11J- ..."No parking space shall be located in any front yard"... - proposed new parking space requires a variance - installation of a parking space in the front yard.*
2. *As per 310- 22 D Parking in front yards prohibited in residential districts. ...not permitted within front yard. In addition, all driveways shall be setback at least 3 feet from any side yard lot line... Variance is required for parking in front yard and for less than 3 feet to the side yard lot line.*
3. *As per 310-11D 4 (a) - fence & walls- max combined ht-6-1/2' proposed; 7' variance req'd- 6" for fence wall ht*
4. *310-11D 4(a)-fence and walls -required to be not more than 1/2 solid -stone retaining wall requires a variance.*

It is our understanding that consideration of our application for area variances for this project includes review of five Principle Points or factors, which we respectfully address below:

1. **Whether the granting of the requested variance would create an undesirable change in the character of the neighborhood or detriment to nearby properties.**

Most similar homes in this neighborhood have driveways which provide access to front yard parking or garages directly visible from the street. As the subject residence is considerably set back from Kensington Rd, and the first floor elevation is located approximately 2.5 ft below street elevation, the proposed new driveway and parking area at the front yard would be a practical solution or alternative to the introduction of a new driveway extending to the rear or side yard of the property. A new driveway in the rear or side yard would considerably add to development/building coverage and reduce green space.

The proposed parking area would be placed at approximate street elevation and surrounded with traditional picket fencing and vegetation to soften the appearance. The proposed fencing above street elevation would be less than 50% solid, below street elevation the driveway will be surrounded by stone retaining (>50% solid and only minimally visible from the street). The overall design will honor the historic character of the house and the surrounding area.

With two new families joining the neighborhood (and their additional cars), this variance will also help alleviate what is an increasingly crowded parking environment in both the shared driveway and street side.

2. **Whether the benefit sought can be achieved by some feasible method other than a variance.**

The slope of the existing site, original placement of the existing home on the property and composition of the interior layout of the residence provide difficulties in locating a permitted parking area at an alternative location on the site. The owner currently has an existing one car garage located at the rear of the property accessed by way of driveway easement through 10 properties at the north. The access easement is approximately 390 ft long. While seemingly beneficial to the property owner, the board should be made aware that the access easement is a narrow driveway, typically bound on both sides by adjacent resident's parking which often times will not allow our client to turn around his vehicle to egress the property in a forward direction. This results in our client needing to proceed in reverse through most of the existing 390 feet driveway, often times at night. It is also important to note that a portions of the subject driveway slope up approximately 10% toward Kensington Rd, making it hazardous to exit in reverse, particularly during extreme weather conditions..

3. **Whether the requested area variance is substantial.**

We believe the requested front yard parking area variance is minimal. The proposed parking area is 12.5ft wide x 20ft long and simply long enough and wide enough to park a vehicle off street and off the ROW and accommodate vehicle door swings.

The fencing and wall area variances requested are also minimal as the solid areas of the retaining wall/ fence are below street elevation and the height variance request is a function the house and property being located at a lower elevation than the street.

4. **Whether the requested variance has an adverse effect or impact on the physical or environmental conditions in the existing neighborhood.**

We do not believe the requested area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood. We have proposed the installation of a substantial trench drain and drywell system (above and beyond what would be required) to mitigate the anticipated additional stormwater runoff created by the proposed increase in impervious surfaces. The stormwater mitigation design has been proposed to capture the new runoff created by the parking area as well as improve the capture of existing stormwater run-off in an effort to redirect and store the run-off in recharger (drywell) chambers below ground, not only at the front by the proposed parking area, but also at the rear yard of the property to the benefit of the homeowner and the adjacent neighbors.

5. **Whether the difficulty is self-created.**

We feel that the difficulty is not self-created as the location and orientation of the existing home on the property does not allow for a new parking area without encroaching on required setback lines or significantly increasing development/building coverage. Complications caused by the slope of the existing site and access of the private easement, as discussed above, allow our proposed design to provide the maximum benefit for the home owner and adjacent neighbors.

Thank you for your consideration of our application. We respectfully request that the ZBA grant our area variance request.

Sincerely,  
Nicholas L. Faustini, AIA  
Nicholas L Faustini Architect PC

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

**PLAN REVIEW COMMENTS**

**APPLICATION NUMBER:** ALT 074-24  
**DATE RECEIVED:** March 6, 2024  
**LOCATION:** 87 Kensington Road  
**SBL:** 23./6/22  
**APPLICANT NAME:** Nick Faustini  
**DESCRIPTION OF WORK :** New driveway addition at front yard.

**DISAPPROVED MARCH 14, 2024, 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 - ALT 074-24 87 Kensington Road Driveway/ drainage installation

Plans dated as Received 3/4/24

New Driveway proposed with surrounding retaining walls, and 2 new stone piers with lamps pedestrian entrance.

- 1) As per 310-11J - ..."No parking space shall be located in any front yard".. - proposed new parking space requires a variance - installation of a parking space in the front yard.
- 2) As per 310- 22 D Parking in front yards prohibited in residential districts. ...not permitted within front yard..In addition, all driveways shall be setback at least 3 feet from any side yard lot line... Variance is required for parking in front yard and for less than 3 feet to the side yard lot line.
- 3) As per 310-11D 4 (a) - fence and walls - maximum combined height - 6-1/2' proposed 7'. variance required - 6" for fence wall height.
- 4) 310-11D 4(a) - fence and walls - required to be not more than 1/2 solid – stone retaining wall requires a variance.

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.

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

**APPLICATION REVIEW**

- 1) Permit fee of \$800
- 2) Electrical Permit
- 3) Summary Project Statement must be sent out
- 4) Contractor's License and Insurances

**PLAN REVIEW**

Plan Review - Plans Dated as received 3/4/24

- 1) Complete drainage plan required to be submitted by NY State Licensed Engineer.  
\$1000.00 fee required for village consulting engineer review.
- 2) All drywells required to be a minimum 10' from any lot line, building.
- 3) Tie into public storm sewer system is not allowed.

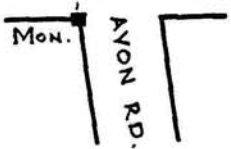
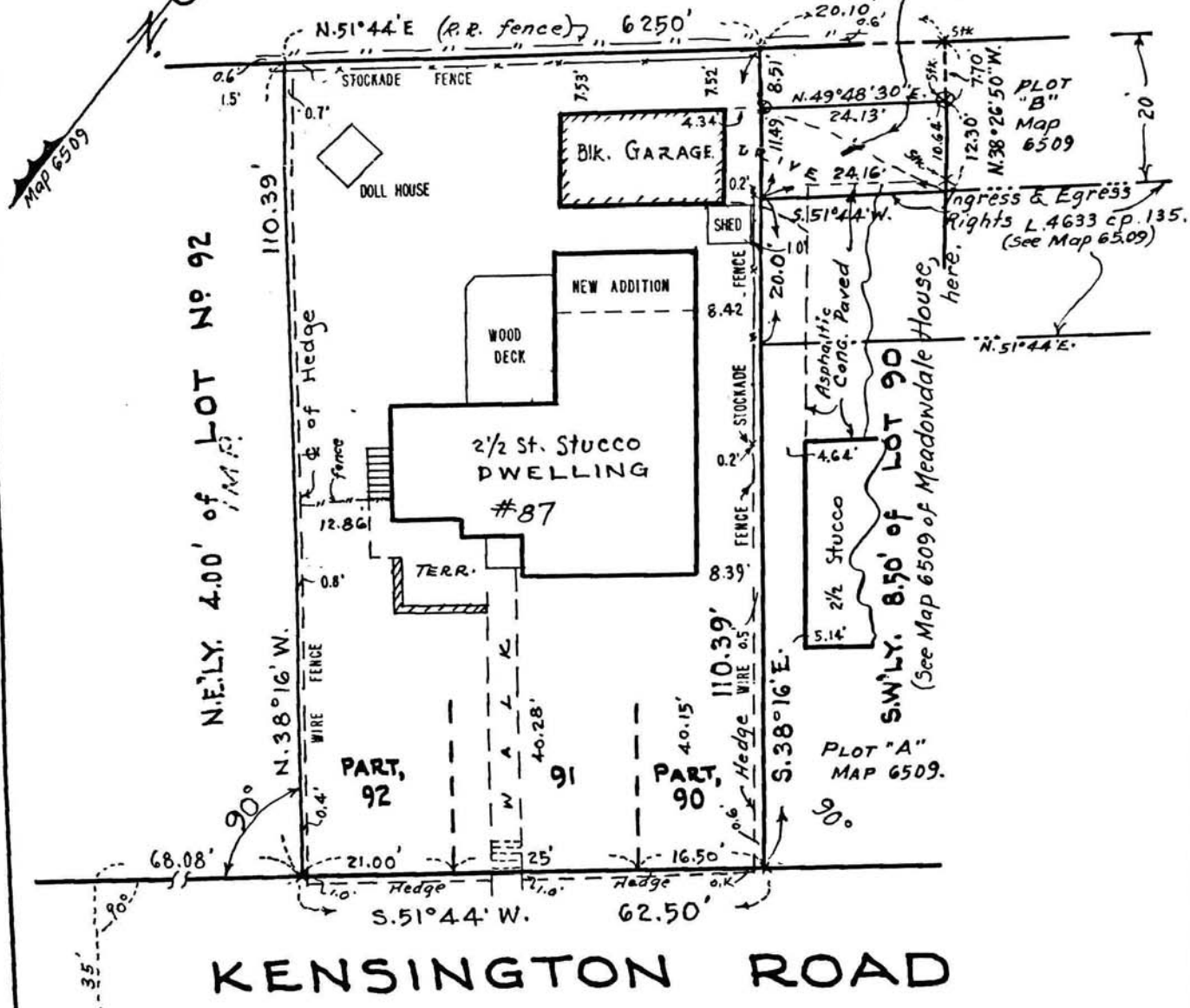
  
\_\_\_\_\_  
Paul Taft  
Building Inspector



Jack.

HARLEM DIVISION OF N.Y.C.R.R.

Proposed Easement surveyed Nov. 9, 1963.



SCALE: 1" = 20'

I, Harold R. Becker, the surveyor who made this map, do hereby certify that the survey of the property shown hereon was completed on Aug. 11, 1959. Revised 11-9-63.

*Harold R. Becker*  
Lic. # 3981.

PAUL J. PETRETTI  
CIVIL ENGINEER & LAND SURVEYOR  
30 GOULD AVENUE  
DOBBS FERRY, N. Y., 10522

*Paul J. Petretti*

SURVEY OF  
LOT No 91 and  
PART of LOTS 90 & 92  
AS SHOWN ON "MAP" OF  
MEADOWDALE  
Pcty. of P. E. & A. L. BISLAND  
SITUATED IN VILLAGE OF  
BRONXVILLE  
TOWN OF EASTCHESTER,  
WESTCHESTER COUNTY, N. Y.

Said "Map" filed, Office Div. of  
Land-Records Aug. 24, 1907 as Vol. 26, Pg. 19.

HAROLD R. BECKER  
CIVIL ENG. - SURVEYOR  
Tuckahoe, N. Y.

As of Nov. 9, 1963.  
BROUGHT TO DATE MAY 2, 1998.

NYS. L.S. LIC. NO. 049371

186 : 79





**EXISTING CONSTRUCTION NOTES**

- BEFORE PROCEEDING WITH ANY WORK WITHIN THE EXISTING PROPERTY, THE CONTRACTOR SHALL MAINTAIN RESPONSIBILITY FOR THE EXISTING STRUCTURE AND OTHER CONDITIONS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE ALL NECESSARY BRACING, SHORING AND OTHER MEASURES TO MAINTAIN ALL PARTS OF THE EXISTING WORK IN A SAFE CONDITION DURING THE PROCESS OF DEMOLITION AND CONSTRUCTION AND TO PROTECT FROM DAMAGE THOSE PORTIONS OF THE EXISTING WORK NOT TO BE REMOVED.
- THE CONTRACTOR SHALL FIELD VERIFY THE DIMENSIONAL ELEVATIONS, ETC. NECESSARY FOR THE PROPER CONSTRUCTION AND ALIGNMENT OF THE NEW PORTIONS OF THE WORK TO THE EXISTING WORK. THE CONTRACTOR SHALL HAVE ALL NECESSARIES NECESSARY FOR VERIFICATION AND PROTECTION OF STRUCTURAL MEMBERS. ANY DISCREPANCY SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT/ENGINEER.

**STEEL & CONCRETE DESIGN DATA**

**STEEL DESIGN DATA**

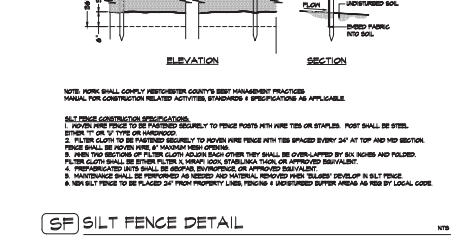
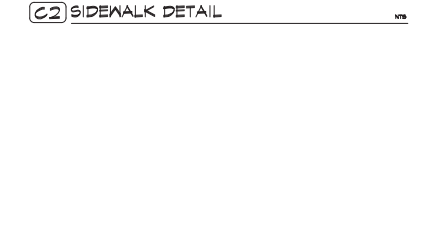
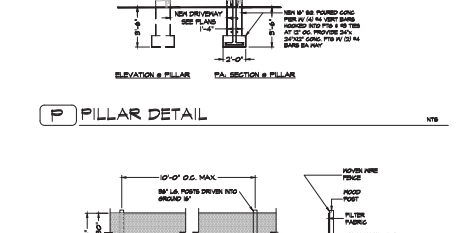
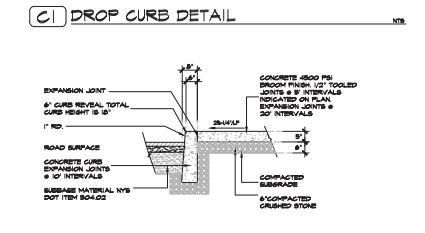
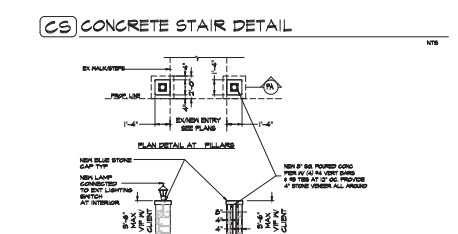
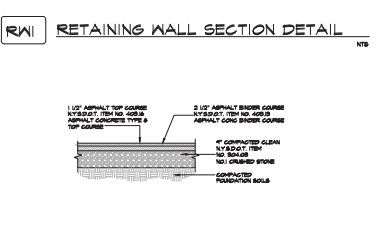
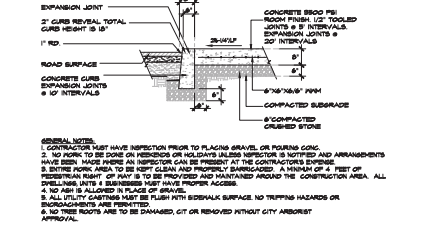
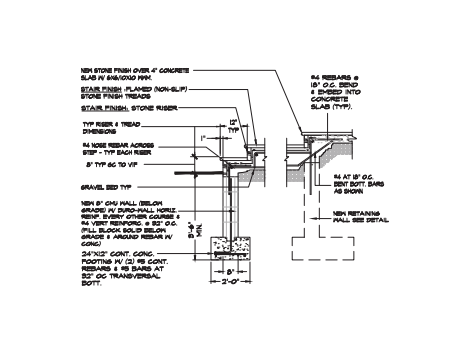
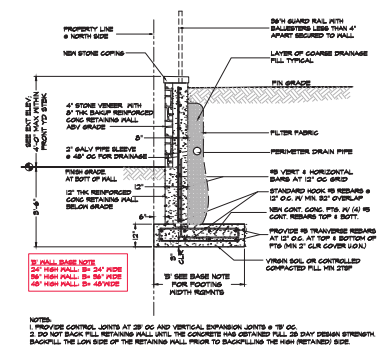
STRUCTURAL STEEL: A572 GR 50  
 W SHAPES: A572 GR 50  
 TUBES: A572 GR 50  
 WELDING ELECTRODES - SERIES: E70T-MS  
 ANCHOR BOLTS: F1554 (F1554MS)

**CONCRETE DESIGN DATA**

- ALL CONCRETE SHALL BE DEVELOPED TO A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI AT 28 DAYS.
- REINFORCING BARS SHALL BE EPOXYED SPLIT STEEL BARS IN ACCORDANCE WITH A572 GR 50. ALL DETAILS OF REINFORCING SHALL BE IN ACCORDANCE WITH A572 GR 50.
- A CALIBER GAGE OR SOLUTION CONTAINING CALIBER WILL NOT BE PERMITTED AS AN ADVISORY IN ANY CONCRETE.
- CONCRETE PROTECTION FOR REINFORCING STEEL SHALL BE AS FOLLOWS:

BEAMS AND COLUMN TIES: 1/2" FOR #8 OR SMALLER  
 2" FOR #8 OR LARGER BARS  
 FOOTINGS AND PILES POURED ON GROUND: 1"

- DETAILS AND FABRICATION OF REINFORCING MEMBERS UNLESS OTHERWISE NOTED SHALL BE IN ACCORDANCE WITH ACI 308 LATEST EDITION.
- PLACING AND SUPPORTS OF REINFORCING BARS SHALL BE IN ACCORDANCE WITH ACI 308 LATEST EDITION. REINFORCING PRACTICES FOR PLACING REINFORCING BARS AND ACI-308.



**EXISTING CONSTRUCTION NOTES**

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**STEEL & CONCRETE DESIGN DATA**

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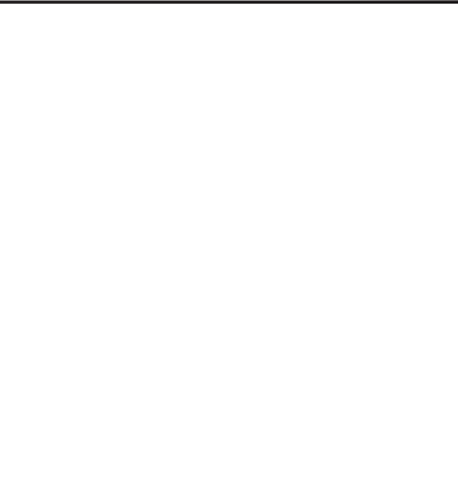
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Nicholas L. Faustini Architect PC  
 1 914 328 1518  
 nfaarchitect.com

Office: 6 Burns Street, Hartsdale, NY 10530  
 Phone: 77 Reiten Road, Yorkville, NY 10710

**General Notes**

Drawings and specifications are instruments of professional service and shall remain the property of Nicholas L. Faustini Architect PC. Any reproduction or use in whole or in part without the written permission of Nicholas L. Faustini Architect PC is prohibited.

This document is intended solely for the construction of the project named herein and shall not be used for any other construction without the written permission of Nicholas L. Faustini Architect PC.

LOCATION MAP

**NOTES**

Drawings may be printed at reduced scale

TAX MAP ID#: 28/A/23 ZONE: RES. B

**LIST OF DRAWINGS**

A-1 PLOT PLAN & ZONING INFO SCHEDULE  
 A-2 PROPOSED EXTERIOR ELEVATIONS & DETAILS  
 A-3 PROPOSED DETAILS

02.24.24 ISSUED FOR JOB FILING  
 NO. DATE ISSUE/REV.

CLIENT:  
 VICTOR AVILES  
 87 KINGSTON RD  
 BRONXVILLE NY 10708

PROJECT:  
 PROPOSED NEW DRIVEWAY AND RELATED RETAINING WALL DESIGN FOR  
 87 KINGSTON RD BRONXVILLE NY 10708

DRAWINGS TITLE

DRAWN BY: [Signature] CHECKED BY: [Signature] PROJECT NO.: 28-128  
 DATE: 02.24.24

DRAWING NO. A3

**NOTES**

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6. PLACING AND SUPPORTS OF REINFORCING BARS SHALL BE IN ACCORDANCE WITH ACI 308 LATEST EDITION. REINFORCING PRACTICES FOR PLACING REINFORCING BARS AND ACI-308.



87 Kensington Rd  
(Front View)



87 Kensington Rd  
(Rear View)



87 Kensington Rd  
(Left Side View from rear)



87 Kensington Rd  
(Right Side View from  
driveway access easement)

87 Kensington Rd Bronxville NY 10708



89 Kensington Rd  
(Neighbor Next Door  
to the North)



85 Kensington Rd  
(Neighbor Next Door  
to the South)

87 Kensington Rd Bronxville NY 10708



3 Avon Rd  
(Neighbor across the street  
to the East)



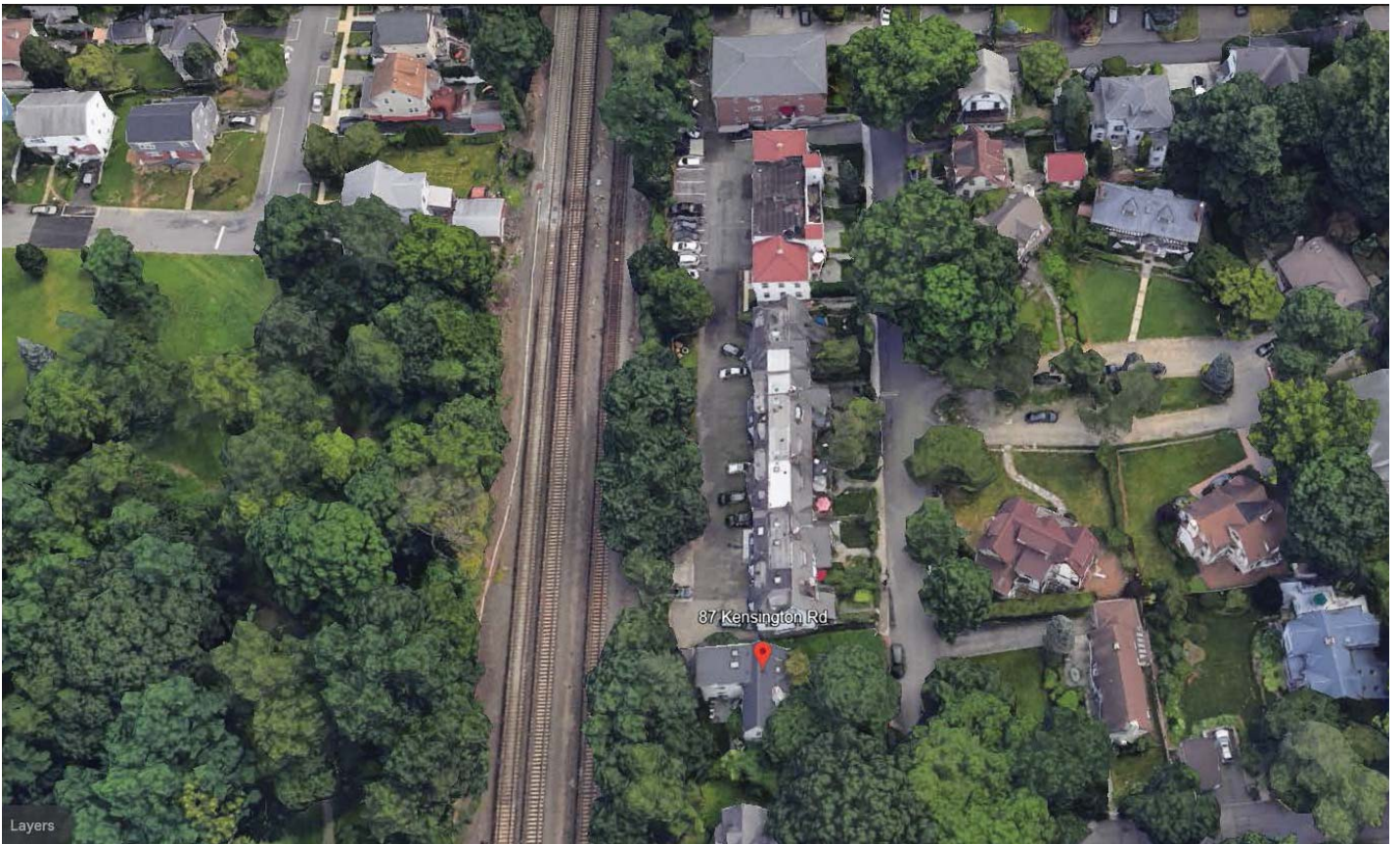
2 Oval Ct  
(Neighbor directly  
across the street to the  
South)





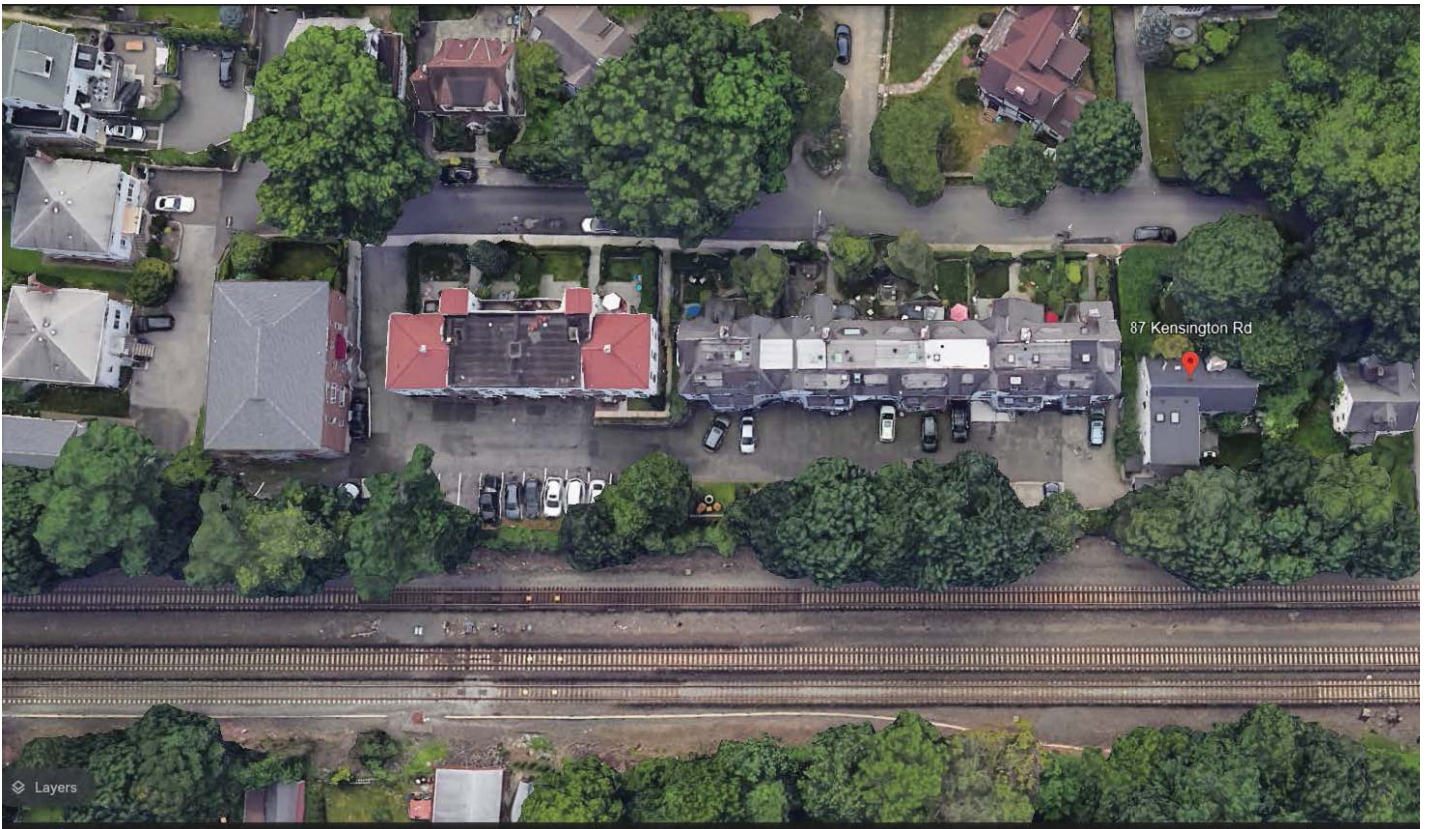
Rear Driveway access  
easement through  
neighbor's parking areas

87 Kensington Rd Bronxville NY 10708



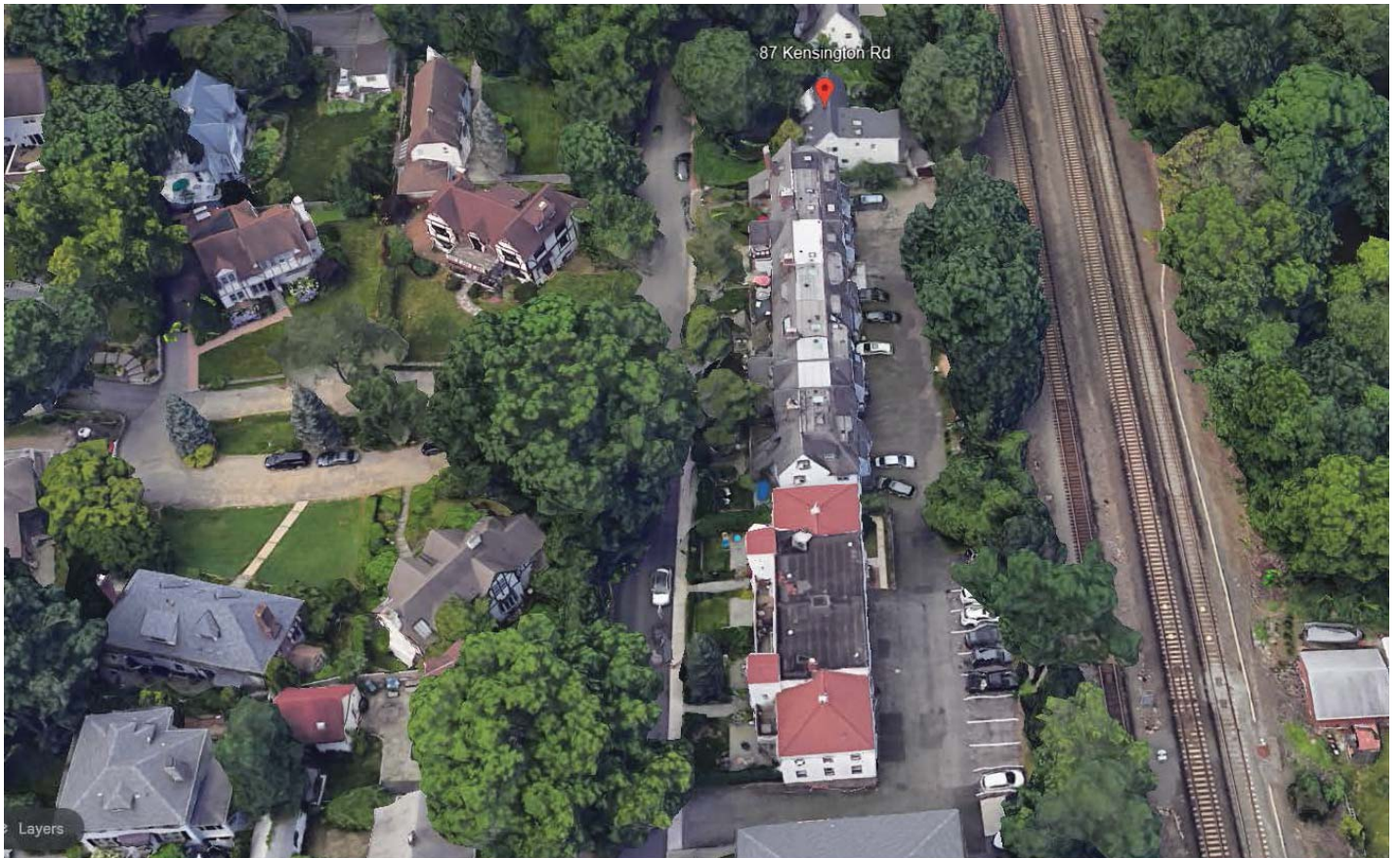
**Google Earth View NORTH**

87 Kensington Rd Bronxville NY 10708



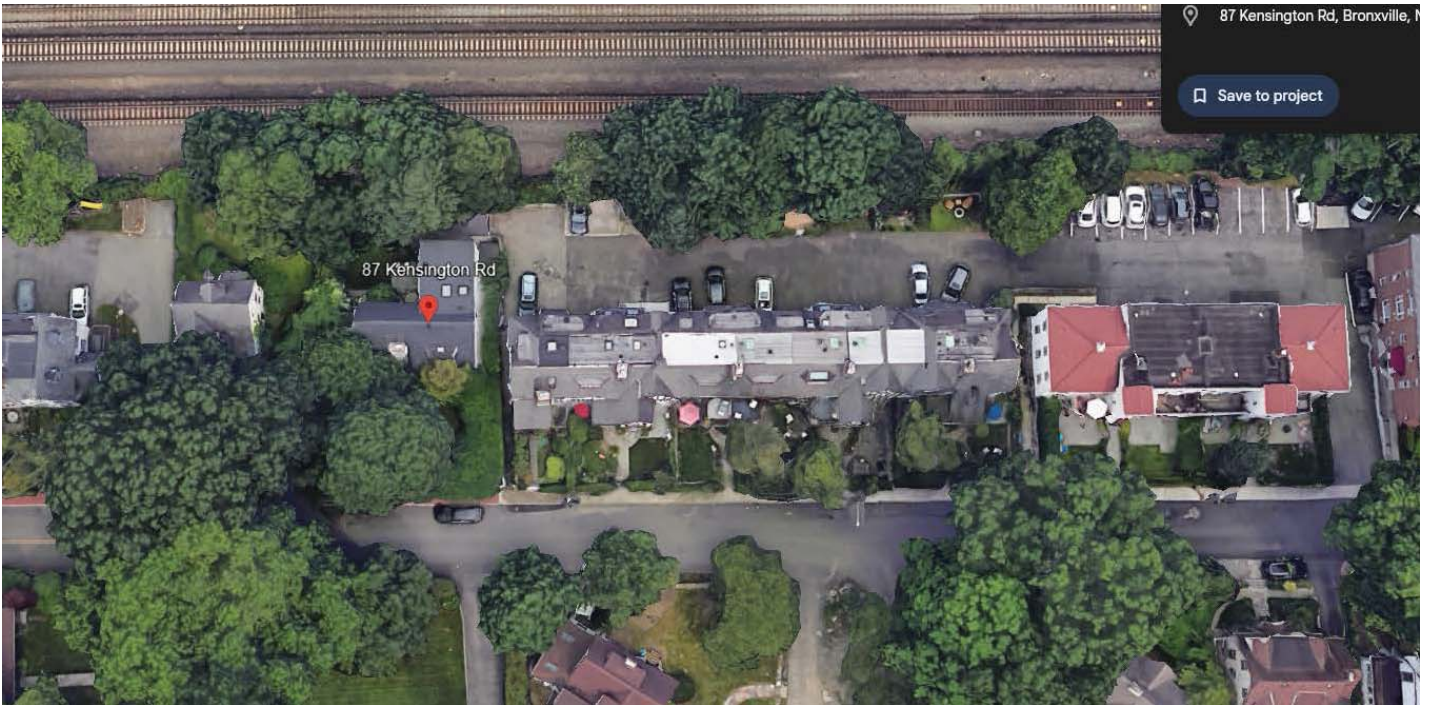
Google Earth View EAST

87 Kensington Rd Bronxville NY 10708



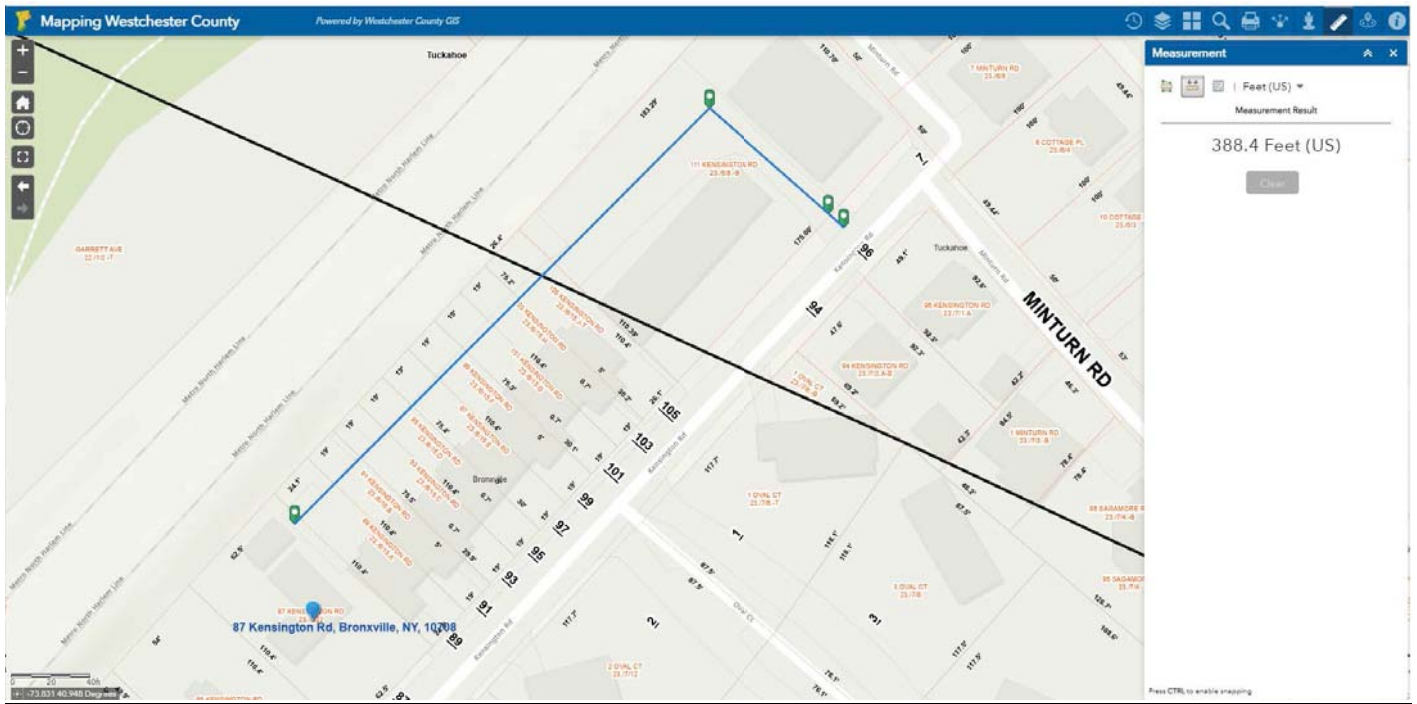
**Google Earth View SOUTH**

87 Kensington Rd Bronxville NY 10708



Google Earth View WEST

87 Kensington Rd Bronxville NY 10708



**Existing Driveway Travel Distance to Kensington Rd through Access Easement**

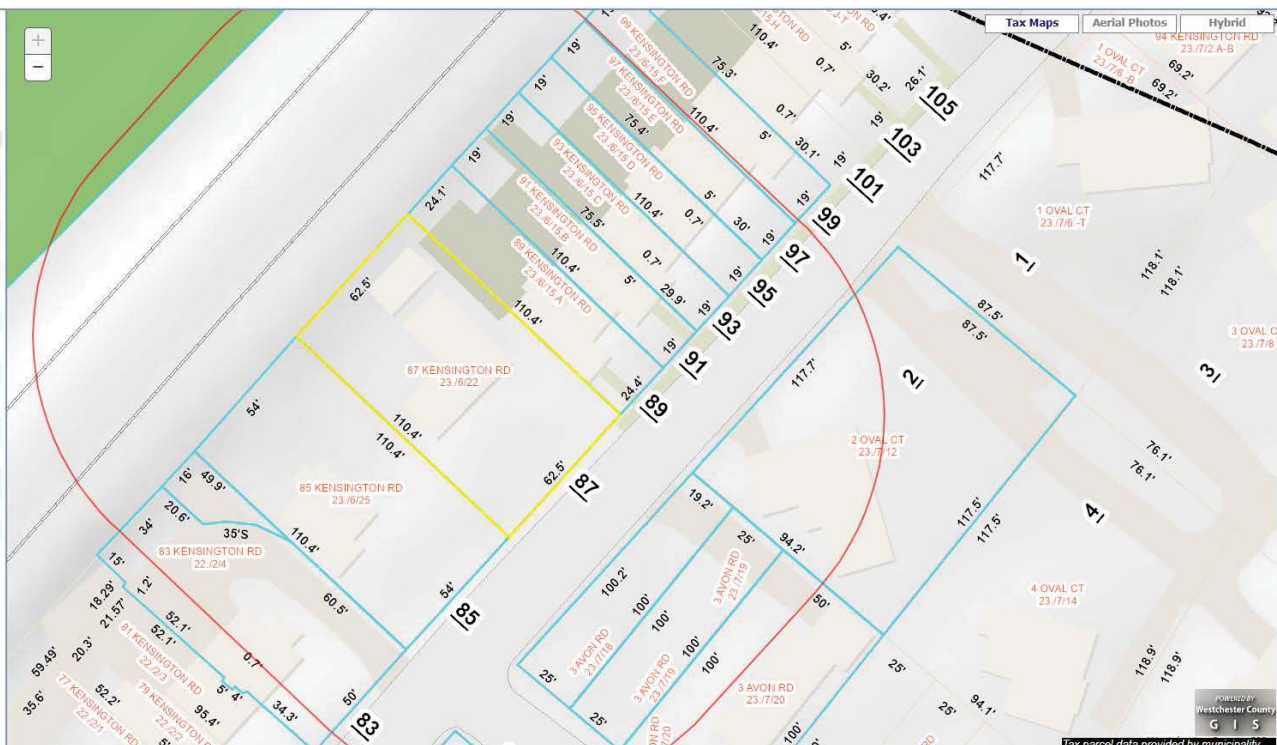
Bronxville Tax Parcel Viewer (Data: 2021)

Search by owner's name

87 KENSINGTON

16 parcels found. [Click row for map.](#)

Owner	Prop Address	Printkey
CAMPBELL J & E	3 AVON RD	23.7/20
ALCALA, RICHARD A.	99 KENSINGTON RD	23.6/15.F
MELLY A J	85 KENSINGTON RD	23.6/25
CAMPBELL J & E	3 AVON RD	23.7/19
MELLY M	85 KENSINGTON RD	22.2/4.A
FROST, VICTORIA	2 OVAL CT	23.7/12
MCDONALD, JOHN M	83 KENSINGTON RD	22.2/4
MURRAY M & B	89 KENSINGTON RD	23.6/15.A
JANNOTTI, LAUREN E	91 KENSINGTON RD	23.6/15.B
GREALY W & B	95 KENSINGTON RD	23.6/15.D
WEST CO PARK COMM	GARRETT AVE	22.1/2.-T
DEVEREUX, ROBERT	2 AVON RD	23.1/1.1
AVILES, VICTOR H	87 KENSINGTON RD	23.6/22
COLANGELO JOHN JR	93 KENSINGTON RD	23.6/15.C
CAMPBELL J & E	3 AVON RD	23.7/18
MAKRAS SPYROS	97 KENSINGTON RD	23.6/15.E



**CAMPBELL J &  
E**  
3 AVON RD  
BRONXVILLE, NY 10708

**ALCALA, RICHARD A.**  
99 KENSINGTON RD  
TUCKAHOE, NY 10707

**MELLY A J**  
85 KENSINGTON RD  
BRONXVILLE, NY 10708

**CAMPBELL J &  
E**  
3 AVON RD  
BRONXVILLE, NY 10708

**MELLY M**  
85 KENSINGTON RD  
BRONXVILLE, NY 10708

**FROST, VICTORIA**  
2 OVAL CT  
BRONXVILLE, NY 10708

**MCDONALD, JOHN M**  
83 KENSINGTON RD  
BRONXVILLE, NY 10708

**MURRAY M &  
B**  
89 KENSINGTON RD  
TUCKAHOE, NY 10707

**IANNOTTI, LAUREN E**  
91 KENSINGTON RD  
TUCKAHOE, NY 10707

**GREALY W &  
B**  
95 KENSINGTON RD  
TUCKAHOE, NY 10707

**WEST CO PARK COMM**  
GARRETT AVE  
BRONXVILLE, NY 10708

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