

ZONING BOARD OF APPEALS FACT SHEET

ZBA Member Assigned: MARTINEZ

CASE NO.: 2021-13

Name of Applicant: Brian Mahoney

Owner: Same

Address of property: 10 Southgate Drive

Section, Block, Lot: 34.19-2-9

Prior ZBA Case No.: NA

Zone: R-40

Lot Size: 46,515 square feet

Request: Area Variance, detached building height. 4' is allowed from the eave line to the underside of the roof ridge, 6' 3" is proposed. 2' 3" variance requested.

Staff Comments: The applicant is proposing to construct a detached garage on his property. The proposed pitch of the roof creates 6' 3" of space from the eave line to the underside of the roof ridge. A maximum of 4 ft. is permitted by Code.

<u>REQUIRED</u>	<u>PROPOSED</u>	<u>VARIANCE</u>	<u>%</u>
4 feet	6' 3'	2.3 feet	57.5%

Variance(s) Requested: An Area Variance, for an additional 2'3" from the eave line to the underside of the roof ridge, for a proposed detached building, a garage.

SEQR: TYPE II – No further compliance required



TOWN OF CORTLANDT
DEPARTMENT OF TECHNICAL SERVICES
CODE ENFORCEMENT DIVISION

Michael Preziosi, P.E.
Director – D.O.T.S

Martin G. Rogers, P.E.
*Director of Code
Enforcement/D.O.T.S.*

Town Hall, 1 Heady Street
Cortlandt Manor, NY 10567
Main #: 914-734-1010
Fax #: 914-293-0991

Town Supervisor
Linda D. Puglisi

Town Board
Richard H. Becker
Debra A. Costello
James F. Creighton
Francis X. Farrell

Brian Mahoney
10 Southgate Drive
Cortlandt Manor, NY 10567

October 25, 2021

Re: Proposed Garage
10 Southgate Drive
Tax ID 34.19-2-9

Mr. Mahoney:

I am in receipt of your Building Permit Application received 10/17/2020 for Detached garage at the above referenced premises. It is now understood you wish to amend your application to change the roof pitch.

I must deny this request under the following chapter of the Town of Cortlandt Zoning Code: 307-17 Table of Dimensional Regulations Accessory Residential Structures; Detached Building Height. Request for a variance from the Code is required. 4.0' is allowed from the eaveline to underside of the roof ridge, 6'-3" proposed requiring a variance for 2'-3". Request for a variance from the Code is required.

The Zoning Board of Appeals application form and the short EAF Form shall be completed and returned to the Division of Planning with ten (10) copies of the revised plans, 10 Copies of the Survey, and \$200.00 Zoning Board of Appeals application fee. If the application is deemed complete the project will then be placed on the agenda for the next available Zoning Board of Appeals meeting.

Additional information may be required upon subsequent reviews. Technical comments for the submission may be issued separately. If you have any questions or comments please feel free to contact me by email or at 914-734-1010.

Sincerely,

Martin G. Rogers, P.E.
Director of Code Enforcement
Department of Technical Services

Cc: Chris Kehoe, Town Planner

Case No. 2021-13
Date: 10/20/21

0152
\$200
M.A. 102

TOWN OF CORTLANDT
DEPARTMENT OF TECHNICAL SERVICES
Planning Division
Town Hall, 1 Heady Street, Cortlandt Manor, NY 10567
914-734-1080
www.townofcortlandt.com
chrisk@townofcortlandt.com



ZONING BOARD OF APPEALS APPLICATION

Site Data:

Section 34.19 Block 2 Lot 9 Zone: R-40

Street Address: 10 South Gate Dr. Cortland Manor NY 10567

Project Description: 20'x20' Detached shed

Circumstances of particular application:

The current design of the 20' x 20' shed contains a roof pitch of 7/12. This exceeds the max 4' height allowed.

We require a variance of 2'-3"

Application is hereby made for the following Variance, Interpretation and/or Special Permit under the Town Code:

Chapter: 307 Section: 17 Chapter: _____ Section: _____

Is adjacent property in the same ownership? Yes _____ No X

Does any officer/employee of the Town of Cortlandt have any interest in this application as defined in the General Municipal Law Section 809? Yes _____ No X If yes, attach a sheet describing the nature and extent of that interest.

Applicant:

Name: Brian Mahoney

Address: 10 South Gate Dr. Cortland Manor NY

Phone: _____ Mobile: 1-646-831-3816

Owner:

Name: Brian Mahoney

Address: 10 South Gate Dr. Cortland Manor NY

Phone: _____ Mobile: 1-646-831-3816

Lessee:

Name: N/A

Address: _____

Phone: _____ Mobile: _____

Architect/ Engineer/ Surveyor:

Name: Dave Feeney

Address: 20 Alta Dr Newburgh NY 12550

Phone: 1-845-325-3988 Mobile: 1-845-325-3988

Attorney:

Name: N/A

Address: _____

Phone: _____ Mobile: _____

Confirmation All Taxes Paid: _____

Date: 11/1/2021

Authorization:

State of New York, County of Westchester, _____ being duly sworn deposes and says he/she is the owner, or authorized representative by attached completed proxy statement, and is duly authorized to perform or have performed said work and to make and file this application: that all statements are true and to the best of their knowledge and belief, and that he/she has read the foregoing appeal and knows the contents thereof.

Sworn to before me

Owner or Authorized Representative Signature: _____

this 25 day of October, 2021

Print Name: BRIAN MAHONEY

Notary Public: Maria Melfi

MARIA MELFI
Notary Public, State of New York
No. 01ME6276212
Qualified in Richmond County
Commission Expires February 11, 2025

We would like to request a variance under the following chapter of the Town of Cortlandt Zoning Code: 307-17 Table of Dimensional Regulations Accessory Residential Structures; Detached Building Height. 4.0' is allowed from the Eave line to underside of the roof ridge, 6'-3" proposed requiring a variance for 2'-3". The roof will be constructed using trusses which will not allow the attic area to be habitable in any way. Most of the attic will contain cross bracing as seen in the elevations. The peak will be at 6'-3" but will quickly decrease with the steep pitch quickly decreasing the headroom.

We are requesting an Area variances:

- (1) We feel this request will not produce any undesirable changes or cause any detriment to the nearby properties. The roof pitch and style is consistent with the primary residence, and it is of similar styles to the homes and garages in the area. The homes in the neighborhood are contemporary homes with very steep roof pitches. We feel this addition will be hardly visible from the road or view of neighbors as well.
- (2) We are unable to match the roof line of our current home without applying for the variance.
- (3) We are requesting a minimum variance in the amount of 27" above the allowed 48"
- (4) The proposed variance will not have any effect on the physical and environmental conditions in the neighborhood.
- (5) The alleged difficulty was not self-created as the primary structure is already in existence and we are seeking to match the current style of the existing home. The home also doesn't have a basement leaving the need for extra storage in an accessory building.



Proposed Shed Rendering



Proposed shed location



Proposed shed location

Similar detached garages in vicinity



4 Southgate Dr



253 Locust Ave



2404 Maple Ave



2404 Maple Ave

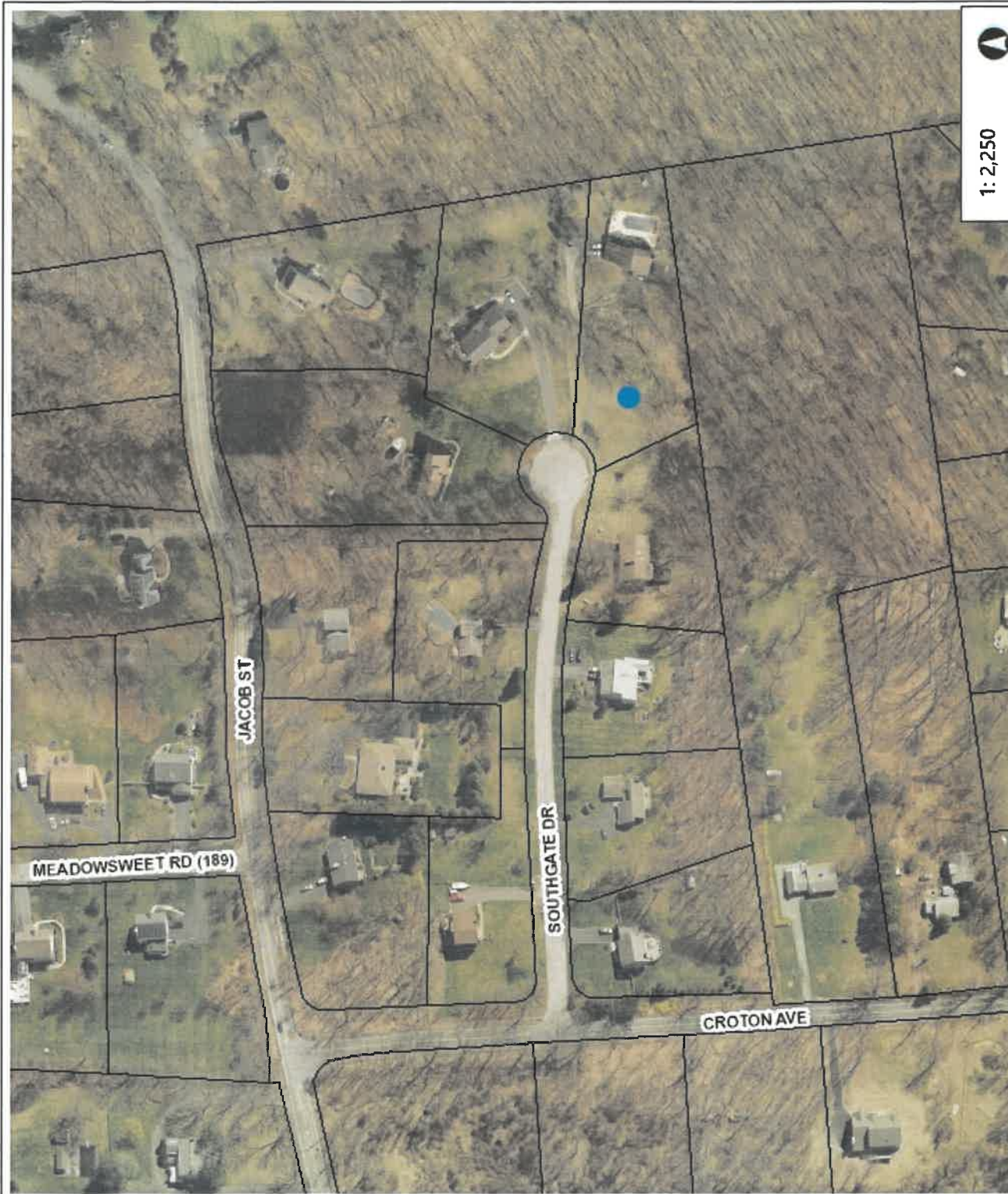


Town of Cortlandt

Legend

- Parcels
- Road Labels

Notes



Disclaimer: "The information contained in this data is NOT to be construed as a 'legal description' / The Town and its consultants do NOT provide any guarantee of accuracy or completeness and will NOT be held liable for any damages or losses due to its use."

375.0 Feet

187.50

0

375.0

Map produced by: user

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Brian Mahoney 10 South Gate Dr. Shed				
Name of Action or Project: 20'x20' Detached Shed				
Project Location (describe, and attach a location map): 10 South Gate Dr. Westchester Cty. Shed will be located in the current gravel area adjacent to drive.				
Brief Description of Proposed Action: Installation of detached 20'x20' shed on a cement slab foundation in residential area.				
Name of Applicant or Sponsor: Brian Mahoney		Telephone: 1-646-831-3816		
		E-Mail: brimahoney11@yahoo.com		
Address: 10 South Gate Dr.				
City/PO: Cortland Manor		State: NY	Zip Code: 10567	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.068 acres		
b. Total acreage to be physically disturbed?		.006 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.068 acres		
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input type="checkbox"/> NO <input type="checkbox"/> YES		

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Brian Mahoney</u> Date: <u>10/25/21</u></p> <p>Signature: <u></u></p>		