

BUILDING PERMIT SERVICES
45 Sunset Dr.
Croton on Hudson, NY 10520
BuildingPermit2014@gmail.com
(914) 582-3631

Property:
11 Lent Avenue
Montrose, NY

Owner:
Matteo Velardo

Background:

The Velardo's purchased the property in 1987. At that time, the pool was in the exact location, same shape, same size as it exists today. The pool was considered an accessory structure; and, as such, in an R-15 zone, a 4 ft setback was required. The pool met the zoning requirements at that time for accessory structures. Also, above ground pools were exempt from the NY State building code; and, therefore, no building permit was required. This was a completely legal pool.

In 1992, the zoning ordinance revision program (ZORP), revised many of the zoning codes. ZORP amended the zoning code for pools as follows:

All pools require a 6' set back in all zones.

Presently, the owner applied for a generator permit and had to have a new survey completed. When the new survey was reviewed, the director of code enforcement picked up the 4' set back and flagged it as a violation.

We are asking for a variance of 1.8'

This will allow the pool
To remain in the same location in which it has existed for the last 34 years.

5 Factors:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties: The pool has existed as it is for 34 years and has not caused any adverse changes in the neighborhood throughout that time.
2. Whether the benefit sought by the application can be achieved by some method feasible for the applicant to pursue, other than a variance. The pool cannot be moved, only granting a variance will achieve the goal.

3. Whether the requested variance is substantial. 1.8' is not a substantial variance.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. Granting this variance will not alter the neighborhood or impair any of the adjacent properties.
5. Whether the alleged difficulty was self-created. The need for a variance was created by a change in the zoning code for pools in 1992.