

VILLAGE OF LAUREL HOLLOW BOARD OF ZONING APPEALS
AREA VARIANCE FINDINGS AND DECISION

A public hearing of the Board of Zoning Appeals was held in the Village Hall, Village of Laurel Hollow, on October 25, 2017 at 7:30 p.m. relative to the following matter:

Applicant: Loukas and Nicole Boutis On behalf of: _____

Property Located at: 45 Cedarfield Road, Laurel Hollow

Sec. 14 Blk. A Lot(s) 1116

Zoning District: Residential Case #: ZV10-2017

Requirement for which Variance is requested: Accessory structures are not set back at least 40 feet from every lot line not abutting a street. Patio setback=20.8 feet; Pool Setback=25.9 feet

Applicable Section(s) of Chapter 145-5(B)(2)

At said hearing the Board considered the following factors and made determinations as stated.

1) Will an undesirable change be produced in the character of the neighborhood or be a detriment to nearby properties?

yes _____ no X Reason: The property has sufficient screening such that the structures will not result in adverse impacts.

2) Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?

yes _____ no X Reason: The proposed locations are suitable on the facts of this case.

3) Is the variance requested substantial?

yes _____ no X Reason: See #1 and #2 above.

4) Will the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

yes _____ no X Reason: See #1 above.

5) Is the alleged difficulty self-created?

yes X no _____ Reason: However, on the facts of this case, approval of the application is appropriate.

The Board of Appeals, after taking into consideration the above five factors, finds that:

The benefit to the applicant does not outweigh the detriment to the Neighborhood or community and therefore the variance requested is denied.

X The benefit to the applicant does outweigh the detriment to the neighborhood or community, and the Board of Zoning Appeals further finds that variances of setback of Sections: **145-5(B)(2)** of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because no adverse impacts will result.

and for these reasons the variance is granted with conditions as indicated.

CONDITIONS: The Board of Zoning Appeals finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition #1: N/A

Adverse impact to be minimized: _____

Condition #2: _____

Adverse impact to be minimized: _____

Condition #3: _____

Adverse impact to be minimized: _____

INCORPORATED VILLAGE OF LAUREL HOLLOW
APPROVED / BZA

These plans were approved by the Board of Appeals of the Incorporated Village of Laurel Hollow. **This is not a permit.**

Applicant must now submit any and all additional documentation required by the Building Inspector in order to obtain a permit in a timely manner.

ZV10-2017

10/25/2017

Russel A. Mohr

Case #

Date

Signature, Chairman, BZA

Record of Vote on Motion as stated above:

**Motion to Approve by Member Lebedin
Seconded by Member Burkett**

<u>Member Name</u>	<u>Aye</u>	<u>Nay</u>
Chairman Mohr	X	
Member Blumin	Excused	
Member Kaufman	Excused	
Member Burkett	X	
Member Lebedin	X	

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Zoning District: Residential Case #: ZV10-2017

Requirement for which Variance is requested: Total surface coverage shall not exceed 20% of the lot area. Proposed=23.6%

Applicable Section(s) of Chapter 145-5(A)(1)(D)

At said hearing the Board considered the following factors and made determinations as stated.

1) Will an undesirable change be produced in the character of the neighborhood or be a detriment to nearby properties?
yes _____ no X Reason: The proposal is appropriate with a reduction in the proposed surface coverage.

2) Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?
yes _____ no X Reason: Installation of pool and patio will result in the need for a variance.

3) Is the variance requested substantial?
yes _____ no X Reason: See #1 above.

4) Will the variance have an adverse impact on the physical or environmental conditions in the neighborhood?
yes _____ no X Reason: See #1 above.

5) Is the alleged difficulty self-created?
yes X no _____ Reason: However, on the facts of this case, approval of the application is appropriate.

The Board of Appeals, after taking into consideration the above five factors, finds that:

The benefit to the applicant does not outweigh the detriment to the Neighborhood or community and therefore the variance requested is denied.

X The benefit to the applicant does outweigh the detriment to the neighborhood or community, and the Board of Zoning Appeals further finds that variances of surface coverage of Sections: **145-5(A)(1)(D)** of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because no adverse consequence will result.

and for these reasons the variance is granted with conditions as indicated.

CONDITIONS: The Board of Zoning Appeals finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition #1: Submission of a revised plan where the surface coverage does not exceed 22 percent of the lot area.

Adverse impact to be minimized: Excessive surface coverage.

Condition #2: _____

Adverse impact to be minimized: _____

Condition #3: _____

Adverse impact to be minimized: _____

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APPROVED / BZA

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**Motion to Approve by Member Lebedin
Seconded by Member Burkett**

<u>Member Name</u>	<u>Aye</u>	<u>Nay</u>
Chairman Mohr	X	
Member Blumin	Excused	
Member Kaufman	Excused	
Member Burkett	X	
Member Lebedin	X	