

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

**Sports Court Setback**

A public hearing of the Board of Zoning Appeals was held in the Village Hall, Village of Laurel Hollow, on 4/17/2019 at 7:30 pm relative to the following matter:

Applicant: Elaine Kawas, the Laurel Group On behalf of: Gregg and Melissa Newman

Property Located at: 80 Wildwood Drive, Laurel Hollow

Sec. 26 Blk. C Lot 258

Zoning District: Residential Case #: ZV1-2019  
Requirement for which Variance is requested: proposed sports court is not set back at least 40 feet from every lot line not abutting a street; proposed rear yard setback = 26'7"

Applicable Section(s) of Chapter 145-5(B)(3)

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  Reason: The proposed structures will be adequately screened and will not adversely impact surrounding properties.

2) Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?  
yes  no  Reason: The shape and topography of the property dictates locating the structures as proposed.

3) Is the variance requested substantial?  
yes  no  Reason: However, under the facts of this case, the relief sought is appropriate.

4) Will the variance have an adverse impact on the physical or environmental conditions in the neighborhood?  
yes  no  Reason: The proposed minimizes impacts both on the subject property and neighboring properties.

5) Is the alleged difficulty self-created?  
yes  no  Reason: See #3 above.



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Property Located at: 80 Wildwood Drive, Laurel Hollow

Sec. 26 Blk. C Lot 258

Zoning District: Residential Case #: ZV1-2019

Requirement for which Variance is requested: proposed accessory structures are not set back at least 40 ft. setback from lot lines not abutting a street; Proposed: pool patio rear yard=23'7"; Pool rear yard=33'9";pool equipment side yard=12'10";pool equipment rear yard=18'3";firepit Side yard=24'6";firepit terrace side yard=15'11"; and in-ground trampoline rear yard=26'3"

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  Reason: The proposed structures will be adequately screened and will not adversely impact surrounding properties.

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

yes  no  Reason: The shape and topography of the property dictates locating the structures as proposed.

3) Is the variance requested substantial?

yes  no  Reason: However, under the facts of this case, the relief sought is appropriate.

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

yes  no  Reason: The proposed minimizes impacts both on the subject property and neighboring properties.

5) Is the alleged difficulty self-created?

yes  no  Reason: See #3 above.

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 accessory structures not set back 40' from lot lines not abutting a street 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 adverse impacts have been mitigated to the maximum extent practicable 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:** All construction equipment and vehicles shall enter the premises via Wildwood Drive and utilize the existing driveway on the subject premises.

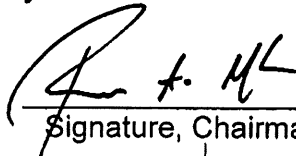
**Adverse impact to be minimized:** Potential inadvertent slope/topography disturbance on the subject property

**Condition #2:**

**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.**

ZV1-2019                      4/17/2019                        
Case #                                      Date                                      Signature, Chairman, BZA

Record of Vote on Motion as stated above:

**Motion to Approve by Member Parziale  
Seconded by Member Blumin**

Member Name	Aye	Nay
Chairman Mohr	X	
Member Blumin	X	
Member Kaufman		Abstain
Member Parziale	X	
Member Lebedin		Abstain

INC VLG OF LAUREL HOLLOW  
Filed in the Office of the  
Village Clerk on the 13  
day of JUNE 2019  
Signed: Nancy Pepper  
Print: Nancy Pepper