



Zoning Board of Appeals
Department of Planning & Community Development
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Shawyn Patterson-Howard
Mayor

Michael Justino
Chair

**ZONING BOARD OF APPEALS
MEETING/HEARING
AGENDA
AUGUST 16, 2022**

A work session of the Zoning Board of Appeals will be held on Tuesday, August 16, 2022, at 6:00 PM in the Mayor's Conference Room on the first floor of City Hall. The regular meeting of the Zoning Board of Appeals will be continued at 6:30 PM on August 16, 2022. Applicants and members of the public will be permitted to attend and make public comment via in person attendance.

ITEM #1 ROLL CALL

ITEM #2 APPROVAL OF MINUTES

- May 17, 2022 and July 19, 2022 minutes

ITEM #3 PUBLIC HEARINGS

Continued Public Hearing

**3.1 Calendar #1764-Z 219 Tecumseh Avenue (Section 165.82, Block 4041, Lot 19)
located in the R2-4.5 Zoning District.**

Applicant is applying for three area variances in order to subdivide the subject property into two lots. The subject property consists of 8,000 sf (80' x 100'), which is proposed to be subdivided into two 40' x 100' lots. Lot 19A is occupied by an existing residence at 219 Tecumseh Avenue. The existing 2,006 sf residence was built in 1903. Lot 19B will be vacant and used for the development of a new two-family residence. The subject property is an interior lot in the two-family R2-4.5 zone. It is on the east side of Tecumseh Avenue located between East Fourth Street and Beekman Avenue. Lot 19B has a significant tree (larger than 8" (DBH) in the middle of the parcel.

Applicant is providing renderings showing new driveways and landscaping for the property.

The plans show two new driveways – a 10’ driveway and an 8’ driveway. Applicant is proposing to remove the tree in the middle of the parcel and replace it with 3 trees – 2 in the rear yard and 1 in front of the new house.

Review of widths/frontages for lots along Tecumseh Avenue

Staff of the Planning Department conducted this review. On the east side of Tecumseh Avenue, the two adjacent properties to the north of the subject property and the five properties to the south all have a 40’ lot width and frontage. This represents 88% or seven lots out of the eight interior lots on the east side of Tecumseh Avenue. The remaining lot has 65’ frontage. On the west side of Tecumseh, there are eight interior lots with four lots having 40’ frontage or 50% of the interior lots. There is one lot at 224 Tecumseh opposite the vacant portion of the subject property which has a double lot with 100’ frontage. The remaining three lots on the west side have frontages of 50’, 60’ and 64’.

Area Variances

Applicant is requesting the following area variances:

Lot Width and Frontage of 40’-0” where minimum of 50’ is required

Lot Area of 4,000 S.F. where 4,500 S.F. is required

Lot Area per dwelling unit of 2,000 S.F where Lot Area per Dwelling Unit of 2,250 S.F. is required

Parking requirement is 1 space per dwelling. For an attached 2-family residence, both spaces are required to be in a garage. Applicant is providing driveway.

Applicant has addressed the specific criteria for the area variance in the application.

SEQRA – The ZBA confirmed that the proposed action was a Type II action at their May meeting.

Continued Public Hearing

3.2 Calendar 1767-Z 454 South Ninth Avenue (Section 169.38, Block 3047, Lots 14 & 15) in the RMF-6.75 Residential District.

The Applicant is Derri Kreshnik. He is represented by Mr. Shahin Badaly, PE. Applicant is requesting area variances to subdivide and reapportion two existing lots (lot 14 & 15) consisting of 10,500 sf and 2,525 sf, respectively. Applicant is requesting area variances to allow subdivision of total 13,025 sf property into 4 lots. Would build attached 2-family residence on each of the 4 lots (total of 8 units). The property is zoned RMF-6.75. ***The attached 2-family units are regulated under the R2-4.5 zoning district***

ZBA discussed the parking requirements, the number of units and number of bedrooms in each unit, and the tandem parking spaces (for renters) and maneuverability of these spaces. Comment from a Commissioner indicated that the applicant should do attached single family residences which would address the parking and the maneuverability of the spaces.

Applicant is returning to clarify the parking requirements and parking maneuverability.

Area Variances Requested

Lot area is a minimum of 4,500 sf. Area variance for lot area is required for each of the lots: Lot A and D have 3,158.85 sf and Lots B and C are 3,414.1 sf.

Lot Area minimum per dwelling unit is 2,250 sf. Area variance needed for Lot A and D which have 1,579.42 sf. Lot B & C have 1,707.1 sf.

Lot width and frontage requirement is 50'. Area variance needed for Lots A & D which provide 30.07 and Lots B & C which provide 32.5'.

Side yard setback requirement is 5'. Since the proposal is for attached dwellings on each lot, there is a party wall between the structures which would result in a 0' side yard setback.

The total side yard setback requirement is 12'. An area variance needed for Lots A & D which provide 7.67' while Lots B & C provide 7.83'.

Number of off-street parking spaces. Parking requirement is 1 space per dwelling. For an attached 2-family residence, both spaces are required to be in a garage. Applicant is providing only a one-car garage on each lot.

SEQRA Determination: The ZBA confirmed that the proposed action was a Type II action at their May meeting.

Continued Public Hearing

3.3 Calendar 1768-Z 405 South Fifth Avenue (Section 169.31, Block 3090, Lot 01) in the RMF-6.75 Residential District.

Applicant is Derri Kreshnik. The Applicant's representative is Mr. Shahin Badaly, PE. Applicant is requesting area variance to subdivide the 10,500-sf property into two 5,250 sf lots. It has an existing residence on the site. Applicant proposes to build attached single-family residences on each of the 2 lots (total of 4 units). Applicant is providing 1 parking space per unit in a garage and one space per unit outdoors. The property is zoned RMF-6.75. This is not a use variance.

ZBA discussed the full bath in the basements and asked if 1/2 bath would be sufficient. ZBA discussed the 6 bedrooms in each unit and felt that there was no need for six bedrooms.

Applicant is returning to review the layout of the units.

Applicant has eliminated the bathroom in the basement and included a 1/2 bath off the kitchen on the first floor. Applicant has reduced the number of bedrooms from 6 to 4 bedrooms. There are 3 bedrooms on 2nd floor along with a playroom/den and 4th bedroom on the third floor.

Area Variances Requested

Minimum side yard setback required 5' where 0' is proposed.

SEORA Determination: The ZBA confirmed that the proposed action was a Type II action at its July meeting.

Continued Public Hearing

3.4 Calendar 1769-Z 357 Bedford (Section 169.25, Block 4052, Lots 12 and 13) in the R2-4.5 Residential District

The Applicant is Sanatkumar Muhajir (Testamentary Trust). The Applicant's representative and architect is Mr. Tom Abillama. Application consists of two properties on the east side of Bedford Avenue at East Fifth Street.

Applicant will demolish an existing 2-car garage on Lot 12 and will subdivide into two lots with attached two-family residence houses on each lot. Lot 12.1.A will provide parking in a garage under the unit and an outdoor space in the driveway. The second Lot 12.1.B will provide outdoor parking for two vehicles at the rear of the house and driveway accessible from East Fifth Street.

ZBA discussed replacing full bath in the basement of the units with a powder room. Applicant and his Attorney agreed to change. ZBA discussed second house on Lot 12.1.B and its outdoor parking at the rear of the house.

Applicant is returning with alternatives for the Board's review.

Proposed Area Variances:

Lot 13 (357 Bedford Avenue)

Parking: 1 parking space per unit is required (2 total). Both spaces for the 2-family residence should be in a garage – Two new outdoor spaces are being added in the new driveway.

Subdivided lots on Lot 12 (12.1.A and 12.2 B).

Lot Area: 4,500 sf minimum required – 3,750 sf provided

Floor Area per Dwelling Unit: 2,250 sf minimum required – 1,875 sf provided

Front Yard: 20' minimum required – 18' 4" (12.1.A) and 9'.4" (12.2.B) provided

Rear Yard: 20' minimum required – 10'.8" provided (12.1.A)

Building Coverage: 40% maximum – 46% provided (12.2.B)

Street Parking: one space per unit, both in garage required. Lot 12.1.A provides 2 spaces - one in garage and one outdoors in the driveway.

SEQRA Determination: The ZBA confirmed that the proposed action was a Type II action at its July meeting.

Note: Work Sessions will be open to the public but closed to public participation subject to the Open Meetings Law, [Section 105 of New York State Public Officers Law, Article 7].

Note: Items listed on the agenda are subject to change and amendments and/or additions may be placed on the agenda

Upcoming Dates

- **TUESDAY, September 20, 2022, at 6:00 pm for ZBA Work Session**
- **TUESDAY, September 20, 2022, at 6:30 pm for Regular Meeting of the ZBA**

Marlon Molina 2nd Deputy Planning Commissioner

cc: Shawyn Patterson-Howard, Mayor
Chair, Planning Board
James Rausse, Planning Commissioner
Building Commissioner
Corporation Counsel
City Clerk
Lobby