

**ZONING BOARD OF APPEALS APPLICATION**

**Project Name, If Applicable:** Dougal Residence

**Project Street Address:** 883 California Road, Bronxville, NY 10708

**Section:** 73 **Block:** 1 **Lot(s):** 20.B **Zone:** R6

**Applicant:** Ryan Dougal and Cardinale Smith-Dougal

**Address:** 883 California Road, Bronxville, NY 10708

**Phone #:** 917-806-0132 **Email:** Cardinale.smith@gmail.com

**Owner:** Ryan Dougal and Cardinale Smith-Dougal

**Address:** 883 California Road, Bronxville, NY 10708

**Phone #:** 917-806-0132 **Email:** Cardinale.smith@gmail.com

**Architect/Engineer:** Stephanie Mylenski, RA (SM Architecture Studio, PLLC)

**Address:** 79 Maple Ave. Tuckahoe, NY 10707

**Phone #:** 914-274-7348 **Email:** smarchitecturestudio@gmail.com

**Attorney:** n/a

**Address:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Application is for:**

\_\_\_\_\_ An interpretation of the Zoning Law or a determination of the Building Inspector

X \_\_\_\_\_ Area variance(s)

\_\_\_\_\_ Use Variance

\_\_\_\_\_ Special Permit Use

**Description of the proposed project and nature of the interpretation, variance(s) and/or special permit being sought:** \_\_\_\_\_

We are requesting 4 variances. The first, for a 6.7' rear yard setback to the pool. The retaining wall at the rear and side of the property needs to be replaced or reinforced due to an undersized existing footing and cracking that has occurred. The height of the retaining wall varies, as the neighboring yards are sloped. At the highest point, the retaining wall will be 8'-6" high. We are seeking approval from the Architectural Review Board and Planning Board for this. Our second variance request is for approval to mount a 6' fence on top of the new retaining wall in order to enclose the pool to meet code requirements and to provide privacy not only for my clients, but for their neighbors as well. The total height will therefore be 14'-6" at the highest point and 9'-8" at the lowest. The third and fourth variances we are requesting are for rear and side yard setback to a proposed pergola. We are requesting 4'-0" for the rear yard and 2.75' for the side yard.

## ZONING BOARD OF APPEALS APPLICATION CHECKLIST

<b>Submission Items</b>	√
<b>All applications submitted to the ZBA must include:</b>	
Cover Letter to the ZBA including, but not necessarily limited to:	X
1. The zoning district within which the subject site is located	X
2. A brief description of the application and the interpretation, variances and or special permit being sought	X
3. A statement of how the application meets the tests for area or use variances or meets the special permit requirements (A list of the tests for area and use variances is attached)	X
4. Resubmissions to the ZBA, after an initial hearing, must include a statement of any additional information that was requested by the ZBA at the hearing and must indicate the response to such requests.	
Completed ZBA Application and Application Checklist	X
Application Fee (see Fee Schedule, available in the Planning and Building Department or on the Town's website)	X
Completed Zoning Compliance Table (see attached zoning compliance tables)	X
Notice of Denial Letter	X
Short Environmental Assessment Form Part 1* (not required for single-family residences)	
Site Location Map – showing the project site and all properties within 200 feet of the site boundaries.	X
List of properties within 200 feet of the site boundaries – including: section, lot and block, property owner name and street address (necessary to meet notice requirements).	X
Zoning Map – indicating the zoning district within which the site is located and all zoning district boundaries within 200 feet of the site boundaries. (May be shown on the Site Location Map)	X
Color photographs of the project site – labeled "Project Site" and where appropriate indicating views (e.g., front elevation, rear elevation, etc.); 2 photographs per page.	X
Color photographs of properties within the immediate vicinity of the project site to provide context for the application. Photographs <u>must</u> be keyed to a Map (labeled by street address and indicating the photo view (arrow showing the direction in which the photo as taken); 2 photographs per page.	X
Current Property Survey and Existing Conditions Survey, prepared and certified by a Land Surveyor licensed in the State of New York including (but not necessarily limited to): (1) boundary lines including metes and bounds; (2) existing easements; (3) existing structures; and (4) setbacks of all existing structures.	X
Copy of the completed legal notice (sent to the newspaper and property owners within 200 feet of the site boundaries)	X
Signed and notarized affidavit of mailing and publication (may be brought to the ZBA meeting)	X
Copies of certificates of mailing (may be brought to the ZBA meeting)	X
<b>All applications for variances or special permits related to additions, alterations or new construction, must also include:</b>	
Plans, signed and sealed by an Architect or Professional Engineer licensed in the State of New York, including:	
1. Proposed site plan drawing(s), based on and citing the certified property survey, showing:	X
• required, existing and proposed zoning setbacks	X
• existing and proposed structures	X
• dimensions	X
• elevation of the <u>existing</u> grade at the four or more principal building corners	
• elevation of the <u>proposed</u> grade at the four or more principal building corners	
2. Proposed floor plans	
3. Proposed building elevations, including:	
• dimensions	
• spot elevations at building corners and other relevant locations	
• elevation of the principal eave, based on a surveyed bench mark	
• elevation of the highest roof ridge line, based on a surveyed bench mark	
<b>All applications for variances related to proposed subdivisions must also include:</b>	
Proposed subdivision map, signed and sealed by an Architect, Professional Engineer or Surveyor licensed in the Sate of New York, citing the certified survey upon which the map is based, including:	
▪ proposed lot dimensions	
▪ proposed lot areas	
▪ required and proposed zoning setbacks	
▪ effective square	
▪ all existing structures to be removed and/or to remain	

\*Short Environmental Assessment Form is available on the Town's website at [www.eastchester.org](http://www.eastchester.org).

**ZONING COMPLIANCE TABLE**  
**ONE- AND TWO-FAMILY RESIDENCES**  
(New Construction and Additions)

**ZONE:** R6 \_\_\_\_\_

Notes: Information must be based on definitions in the current Zoning Law of the Town of Eastchester. If not applicable, leave box blank. Check box in far right column if variance is required.

	Existing	Required/ Permitted	Proposed	Variance Required
<b>LOT INFORMATION</b>				
Lot Area (sf)	12,167 SF			
Lot Frontage (ft)				
Yard Setbacks (ft):				
Front Yard				
Rear Yard				
First Side Yard				
Second Side Yard				
Side Yard Adjoining Street				
<b>PRINCIPAL BUILDING INFORMATION</b>				
Gross Floor Area (sf)				
Building Height:				
Stories				
Height to Principal Eave (ft)				
Height to Highest Roof Ridge (ft)				
<b>ACCESSORY STRUCTURES</b>				
<b>Detached Garage</b>				
Setbacks:				
To Principal Building				
To Side Lot Line				
To Rear Lot Line				
Building Height:				
Height to Principal Eave (ft)				
Height to Highest Ridge (ft)				
<b>Other Accessory Structure</b> (indicate type of structure – shed, pool, etc.)				
Setbacks:				
To Principal Building				
To Side Lot Line				
To Rear Lot Line	6.7' TO POOL	10' TO POOL		YES
Building Height:	(AS BUILT)			
Height to Principal Eave (ft)				
Height to Highest Ridge (ft)				
<b>BUILDING COVERAGE</b>				
Principal Building Coverage (sf)				
Principal Building Coverage (%)				
Accessory Building Coverage (sf)				
Accessory Building Coverage (%)				
<b>IMPERVIOUS SURFACE COVERAGE</b>				
Impervious Surface Coverage (sf)				
Impervious Surface Coverage both (%)				

Note: See Section 13 of the Zoning Law for requirements related to driveways (e.g., pavement width, curb cuts, setbacks grades; requirements for circular driveways, etc.). See Section 8 of the Zoning Law for requirements related to fences and walls.

Are any variances required that are not listed on the table above?             No        X   Yes

If yes, describe all additional variances (provide attachment if necessary): 5' REAR YARD SETBACK TO PERGOLA IS REQUIRED, WE ARE REQUESTING 4'. 5' SIDE YARD SETBACK TO PERGOLA IS REQUIRED, WE ARE REQUESTING 2.75'. LESS THAN 10' HEIGHT OF A WALL + FENCE IS REQUIRED, WE ARE REQUESTING 14.5'



Stephanie Mylenski, RA



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79 Maple Ave. Tuckahoe, NY 10707

Zoning Board of Appeals  
Town of Eastchester  
40 Mill Road  
Eastchester, NY 10709

October 24, 2022

Re: Dougal Residence – Pool, Pergola and Fence

Dear Board Members,

On behalf of my clients, Ryan and Cardinale, we are requesting four variances. Their house is located at 883 California Road in Zoning District R6. My clients were granted a variance for a 9'-0" rear yard setback for their pool in 2021. The pool has been constructed and in trying to resolve an existing retaining wall issue at the back of the property a new survey was done. It was then discovered, through the survey, that the corner of the pool is 6.7' off the rear property line. We are therefore requesting a variance for a 6.7' rear yard setback to the pool as the first variance request. The retaining wall at the rear and side of the property needs to be replaced or reinforced due to an undersized existing footing and cracking that has occurred. The height of the retaining wall varies, as the neighboring yards are sloped. At the highest point, the retaining wall will be 8'-6" high. We are seeking approval from the Architectural Review Board and Planning Board for this. Our second variance request is for approval to mount a 6' fence on top of the new retaining wall in order to enclose the pool to meet code requirements and to provide privacy not only for my clients, but for their neighbors as well. The total height will therefore be 14'-6" at the highest point and 9'-8" at the lowest. The third and fourth variances we are requesting are for rear and side yard setback to a proposed pergola. We are requesting 4'-0" for the rear yard and 2.75' for the side yard.

Please see the responses to the tests for area variances below:

1. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.*

Response:

The proposed variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. My client's yard is elevated above these neighboring properties, so the location of the inground pool and pergola is inconsequential to

the neighboring properties. The request for the variance for the 6' high fence is beneficial to the neighbors as it will also provide them more privacy in their own yards and pools below.

2. *Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.*

Response:

There is limited space in my client's rear yard due in large part to the large existing garage which breaks up the property. There is also a significant elevation change at the back corner of my client's property to the neighboring properties. Per code the pool requires a fence enclosing it. We did explore setting the fence back 3' from the existing retaining wall. There were two reasons this was not a favorable option. First, it creates a dead space between the wall and fence which would need to be maintained and secondly the space is limited due to the garage, so giving up 3' is significant. We therefore see no other feasible options to achieve this.

3. *Whether the requested area variance is substantial*

Response: The requested variances are not substantial.

4. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.*

Response: The proposed variances do not have any adverse effects or impacts on the physical or environmental condition of the neighborhood or district. As stated above the 6' fence would benefit the neighbors, as it would provide them with more privacy in their own yards and pools below my client's yard. The variances for setbacks aren't going to be visible from the street.

5. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.*

Response: Although the desire for a pool, pergola and privacy fence is self-created, it is being requested to improve the daily lifestyle of the owners and causes no adverse effects to the health, safety and welfare of the neighborhood or community.

The enclosed documentation includes all information pertaining to these variance requests but please let me know if further detail is required for your review and approval.

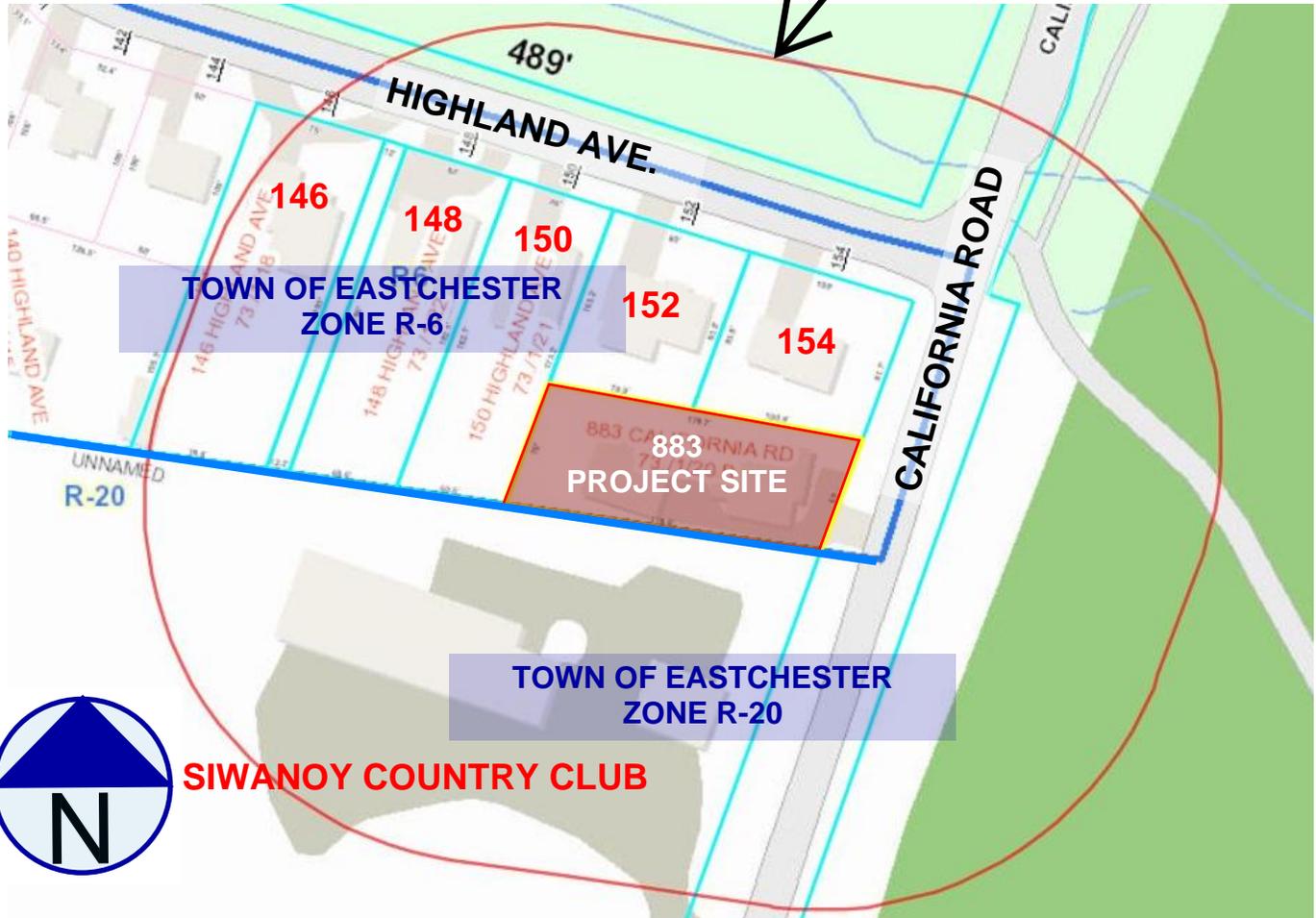
Sincerely,



Stephanie Mylenski, R.A.

**SITE LOCATION AND ZONING MAP**  
**883 CALIFORNIA ROAD**

200' RADIUS AROUND  
THE PROJECT SITE

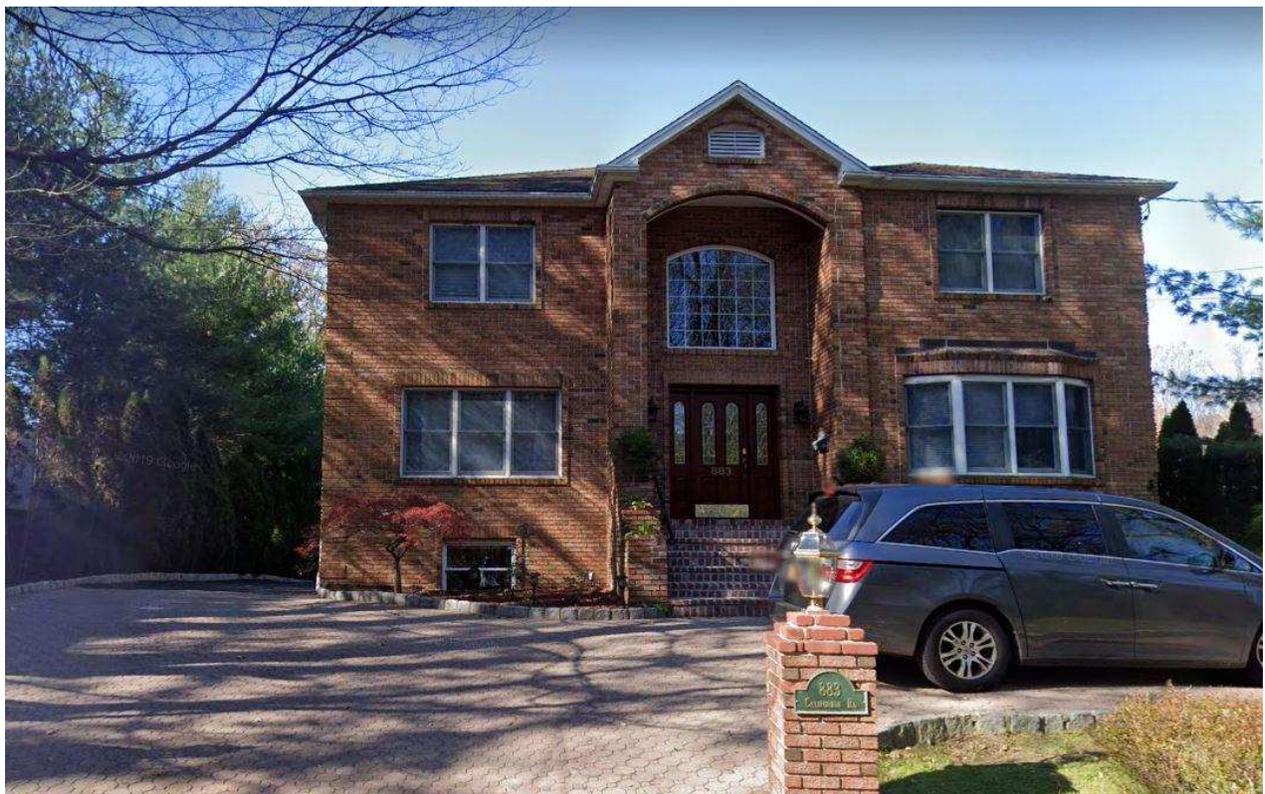


# PROJECT SITE PHOTOS

## 883 CALIFORNIA ROAD



ARIAL VIEW



FRONT VIEW (EAST ELEVATION)

## PROJECT SITE PHOTOS 883 CALIFORNIA ROAD



VIEW OF BACKYARD: BEHIND THE GARAGE (SEEN ON RIGHT)  
LOOKING NORTH. RETAINING WALL AND FENCE WOULD BE ON  
THE LEFT AND AT THE BACK BEHIND THE SPA



VIEW OF BACKYARD: BEHIND THE GARAGE LOOKING SOUTHWEST.  
RETAINING WALL AND FENCE WOULD BE WHERE THE SILT FENCE IS

**PROJECT SITE PHOTOS**  
**883 CALIFORNIA ROAD**



**VIEW OF THE EXISTING RETAINING WALL AT THE REAR PROPERTY  
LINE FROM NEIGHBORING YARD**

**PHOTOS OF NEIGHBORING PROPERTIES**  
**883 CALIFORNIA ROAD**



**ADJACENT SIWANOID GOLF COURSE BUILDING -  
CALIFORNIA ROAD**



**154 HIGHLAND AVE.**

**PHOTOS OF NEIGHBORING PROPERTIES**  
**883 CALIFORNIA ROAD**



152 HIGHLAND AVE.



150 HIGHLAND AVE.

**PHOTOS OF NEIGHBORING PROPERTIES**  
**883 CALIFORNIA ROAD**



148 HIGHLAND AVE.



146 HIGHLAND AVE.

Survey of plot situate in the Town of Eastchester, County of Westchester and State of New York, known and designated as Lot No. 1 on a certain map entitled, "Resubdivision Map Prepared for James J. Fillis", filed in the Office of the County Clerk of Westchester County, Division of Land Records on January 27, 1995 as Map No. 25365.

Ronald Persaud, L.S.  
LAND SURVEYOR

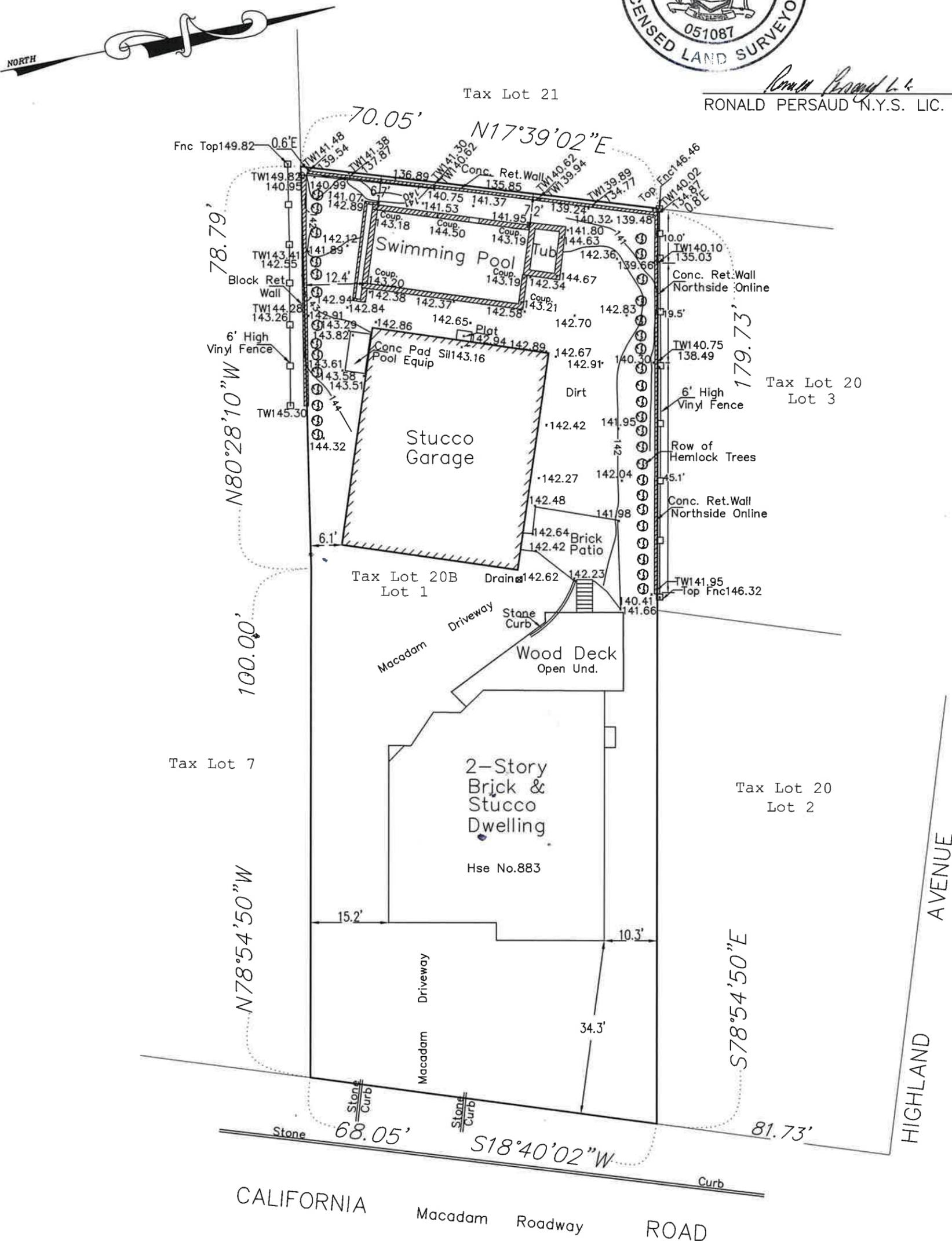
15 South Tenth Ave  
Mount Vernon, N.Y. 10550  
Tele : (914) 523-5808

Email: ronaldpersaud1510@gmail.com

Also known as 883 California Road, Bronxville, N.Y.  
Block 1 Tax Lot No.20B : Area=12,167sq.ft. 0.28 Acres  
Rear Yard Topography



*Ronald Persaud L.S.*  
RONALD PERSAUD N.Y.S. LIC. No. 051087



Reference Edward Mihalczko Survey dated April 15, 2016  
.140.50 Denotes Elevation value in feet.  
All Elevations referenced to the North American Vertical Datum of 1988.  
Unauthorized alteration or addition to this survey map is a violation of Section 7209 Subsection 2, of the New York State Education Law.  
No guarantee is implied by this map as to the existence or non-existence of any easements of record that would affect subject property, unless surveyor has been furnished a complete copy of the title report.  
Dimensions shown from structures to property lines are not intended to be used for construction of fences, structures or other improvements.  
"Surveyed As In Possession" Surveyed: September 17, 2022 Scale : 1"=20' Map Drafted: September 20, 2022 Index: C00-199