

# Town of North Hempstead

*Chairman*  
David L. Mammina, A.I.A.

*Members*  
Leslie Francis, Esq.  
Daniel Donatelli, Esq.  
Jay Hernandez  
Patricia A. Goodsell, Esq.



## Board of Zoning Appeals

210 Plandome Road  
Manhasset, NY 11030  
(516) 869-7667  
Fax (516) 869-7812

**TO:** TOWN CLERK  
**FROM:** Virginia Wagner, Secretary  
**CC:** Building Dept.  
**DATE:** March 13, 2024  
**RE:** BZA Decisions for March 6, 2024

---

Appeal No.	Name	Sec.	Blk.	Lots
20772.A	Masada, LLC	5	94	581
21480	Amar Patel	3	188	8
21485	Fan Yang	9	94	81
21503	Kenny Lin	9	656	44
21504	Thomas Varghese	9	656	114
21508	Lijo Thomas	8	345	25
21511	Panagiotia Christakis	6	80	1

*Chairman*  
David L. Mammina, A.I.A.

*Vice Chairman*  
Leslie Francis, Esq.

*Members*  
Daniel Donatelli, Esq.  
Jay Hernandez  
Patricia A. Goodsell, Esq.

## Town of North Hempstead



### Board of Zoning Appeals

210 Plandome Road  
Manhasset, NY 11030  
(516) 869-7667  
Fax (516) 869-7812

### NOTICE OF DECISION

**APPEAL #20772.A - Masada, LLC, 29 Beechwood Avenue, Port Washington; Section 5, Block 94, Lot 581; Zoned: Industrial-B**

Appeal for determination, or in the alternative, conditional use §70-187.O to legalize a prior non-conforming outdoor storage structure located in the rear yard, and variances from §70-192.B, §70-202.2, and §70-212.B to legalize a prior non-conforming outdoor storage area (per Stipulation of Settlement 606625/2020) that is too large and too close to the property lines, a storage structure that is too close to the rear and side property lines, and rear yard paving with no provision of on-site storm-water retention.

**Whereas**, an application (RBP21-000355, BP18-106500, BP18-106502, CEU18-113053, BZA19-106871) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; and

**Whereas**, a review was undertaken pursuant to the State Environmental Quality Review Act, and the Board of Zoning Appeals hereby establishes itself as "lead agency" and hereby determines that this Unlisted Action will not result in any significant adverse environmental impacts, therefore, at a meeting of the Board held on **March 6, 2024**, the appeal in the above entitled matter was decided as follows:

The variance requested under §70-202.2 was **WITHDRAWN** by the applicant at the hearing, and the conditional use sought under §70-187.O and the variances sought under §70-192.B and §70-212.B are **GRANTED** of the dimension and in the location as shown on drawings prepared by Robert P. Ferraro, R.A. dated June 5, 2018 **SUBJECT TO THE CONDITIONS CONTAINED IN THE ATTACHED RIDER**. The request for a determination to review the decision of the building official is **DENIED** as **MOOT**.

**SEE ATTACHED RIDER**

**THIS IS NOT A BUILDING PERMIT**

**IN REACHING THIS DETERMINATION, THE BOARD CONSIDERED THE FACTORS SET FORTH IN THE ATTACHED FINDINGS OF FACT**

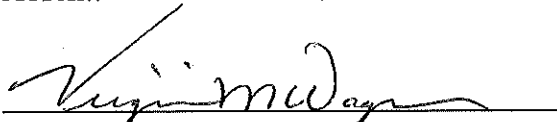
The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli                      Seconded by: Member Hernandez

Ayes: Member Goodsell, Member Hernandez, Member Donatelli,  
Chairman Mammina

Nays: None

Absent: Vice Chairman Francis

  
\_\_\_\_\_  
**VIRGINIA M. WAGNER**  
**SECRETARY**

**THIS IS NOT A BUILDING PERMIT**

# Board of Zoning Appeals

## Town of North Hempstead

---

Rider (Conditions for Appeal # 20772.A)

**APPEAL #20772.A - Masada, LLC, 29 Beechwood Avenue, Port Washington; Section 5, Block 94, Lot 581; Zoned: Industrial-B**

Appeal for determination, or in the alternative, conditional use §70-187.O to legalize a prior non-conforming outdoor storage structure located in the rear yard, and variances from §70-192.B, §70-202.2, and §70-212.B to legalize a prior non-conforming outdoor storage area (per Stipulation of Settlement 606625/2020) that is too large and too close to the property lines, a storage structure that is too close to the rear and side property lines, and rear yard paving with no provision of on-site storm-water retention.

1. As specified under § 70-187, the applicant shall adhere to the applicable performance standards set forth under § 70-189.2 of the Town Code with respect to the storage container which is approved as a conditional use.
2. In accordance with § 70-189.2(K) the applicant shall demonstrate compliance with the performance standards set forth in § 70-189.2 with respect to the storage container which is approved as a conditional use.
3. The outdoor storage area shall be limited to the rear of the property.
4. The outdoor storage area shall be adequately screened from view by a fence/gate.

**THIS IS NOT A BUILDING PERMIT**

# Board of Zoning Appeals

## Town of North Hempstead

---

Rider (Findings of Fact for Appeal # 20772.A)

**APPEAL #20772.A - Masada, LLC, 29 Beechwood Avenue, Port Washington; Section 5, Block 94, Lot 581; Zoned: Industrial-B**

Appeal for determination, or in the alternative, conditional use §70-187.O to legalize a prior non-conforming outdoor storage structure located in the rear yard, and variances from §70-192.B, §70-202.2, and §70-212.B to legalize a prior non-conforming outdoor storage area (per Stipulation of Settlement 606625/2020) that is too large and too close to the property lines, a storage structure that is too close to the rear and side property lines, and rear yard paving with no provision of on-site storm-water retention.

This appeal in part is a request for approval of a conditional use. Pursuant to Section 70-225.B of the Code, this Board is empowered to grant conditional use permits to applicants. In so doing, the Board shall consider the following general standards under 70-225.B(1): (a) the purposes of zoning as set forth in the Town Law of the State of New York and uses permitted in the district in which the property is located; (b) whether the proposed use is of such character, size, location, design and site layout as to be appropriate to and in harmony with the surrounding properties; (c) whether the proposed use will provide a desirable service, facility or convenience to the area or otherwise contribute to the proper growth and development of the community and to its general welfare; (d) whether the proposed use will be hazardous, conflicting or incongruous to the immediate neighborhood by reason of excessive traffic, assembly of person or vehicles, proximity to travel routes or congregations of children or pedestrians; (e) whether the proposed use will be of such nature as to be objectionable to nearby residential dwellings by reason of noise, lights, vibration or other factors of impact; (f) whether the proposed use will be a harmonious use in the district in which it is to be situated and not hinder or discourage the appropriate use and development of adjacent uses or impair the value thereof; (g) in addition to the foregoing, the location and size of a proposed use in an business or industrial district, the nature and intensity of the operations proposed, the site layout and its relation to access streets shall be considered by the board having jurisdiction of the application to determine whether the vehicular traffic resulting from such use will be more hazardous than the normal traffic of the district, taking into account such factors as street intersection, traffic flow, sight distances and pedestrian traffic. The Board finds the following with respect to the criteria set forth under § 70-225.B(1):

### §70-187.O (Conditional Use for Accessory Building (Shed))

With respect to maintaining the shed as an accessory use to the applicant's permitted commercial use of the property, the Board finds, as set forth in more detail below, that the character, size, location, design and site layout of the shed is appropriate to and in harmony with the surrounding properties. In addition, use of the shed will not cause excessive traffic, nor negatively impact residential neighbors by reason of noise, lights or vibration. The Board further finds that the shed is harmonious as a use in the industrial district and will not hinder or discourage the appropriate

**THIS IS NOT A BUILDING PERMIT**

use and development of adjacent uses or impair the value thereof. Therefore, the Board has determined that the use of the shed with the conditions imposed by this Board in its decision, will conform to the general character of the neighborhood, and the public health, morals, safety and general welfare of the neighborhood will remain secure by the grant of this use.

Under Section 267-b of the Town Law, the Board is empowered to grant area variances in cases where the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community. The Board is also required to grant the *minimum* variance necessary. In making such determination the Board shall also consider: 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; 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; 3) whether the requested area variance is substantial; 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and 5) whether the alleged difficulty was self-created. After careful consideration of the facts presented during the hearing, personal observations of the site and surrounding area, testimony from a real estate expert, and a review of Building Department files, the Board finds the following with respect to these criteria:

§70-192.B (Rear Yard Setback)

In granting the variance permitting the applicant to maintain a steel storage shed at the rear property line where a minimum of 20' is required, the Board has taken the following factors into consideration:

1. The impact on the adjacent properties is minimal. The shed is situated in the northwest corner of the property. The properties to the immediate north and west of the subject property each have a commercial building on the property line running alongside the storage shed.
2. The neighborhood is characterized by other properties that include structures built at the property line.
3. Relocating the shed further from the property line would bring it closer to the residential house on the same lot which would not be desirable, especially when considering that there would be no discernible benefit to the adjacent properties.

Based on the above factors, the Board finds that the reduced rear yard setback will not cause an undesirable change in the character of the neighborhood nor a detriment to nearby properties. While the variance would be considered substantial and self-created, given the factors above, the Board finds these considerations do not weigh against the variance request. The Board also finds that given the property is an undersized parcel, which includes a residential home, there is no other suitable location for the shed.

**THIS IS NOT A BUILDING PERMIT**

§70-212.B (Dumping and Storage)

Section 70-212.B of the Town Code requires that an accessory outdoor storage area not be located closer than 120 feet to the front property line and not occupy more than 15% of the plot area. The Board finds that because the property is an undersized lot and only 100 feet in depth, the applicant cannot comply with this requirement. The Board also finds it is reasonable to permit the applicant to occupy a greater percentage of the lot for the following reasons:

1. Storage is only in the rear of the property, and this decision is conditioned on the applicant limiting the storage to that location.
2. Because the lot is under 4,000 s.f., and storage is limited to the rear yard portion of the lot, the space available to the applicant for the commercial storage of equipment would be insufficient.
3. Other surrounding properties utilize the entire rear yard for commercial storage.

Given that the existing commercial storage is in keeping with the character of the neighborhood, the Board finds that the benefit to the applicant of maintaining the outdoor storage area outweighs any detriment to the neighborhood.

**THIS IS NOT A BUILDING PERMIT**

# Town of North Hempstead



*Chairman*  
David L. Mammina, A.I.A.

*Vice Chairman*  
Leslie Francis, Esq.

*Members*  
Daniel Donatelli, Esq.  
Jay Hernandez  
Patricia A. Goodsell, Esq.

## Board of Zoning Appeals

210 Plandome Road  
Manhasset, NY 11030  
(516) 869-7667  
Fax (516) 869-7812

### NOTICE OF DECISION

**APPEAL #21480 – Amar Patel; 142 Harrow Ln., Manhasset; Section 3, Block 188, Lot 8;  
Zoned: Residence-A/Bump up to Residence-AA**

Variances from §§ 70-22.6 and 70-100.1.A to construct a new home with too much paving in the front yard and a detached garage in a front yard.

**Whereas**, an application (ARB23-000274, ART23-000213, RBP22-000044, RBP23-000720, RBP23-000516, BZA23-000148) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **March 6, 2024**, the appeal in the above-entitled matter was decided as follows:

The variance sought under § 70-22.6 with respect to the front yard paving along Harrow Lane was **WITHDRAWN** by the applicant per the revised plans and the variance sought under § 70-22.6 with respect to the front yard paving along Searingtown Road and the variance sought under § 70-100.1A with respect to the location of a detached garage in a front yard are **GRANTED** of the dimension and in the location as shown on drawings prepared by Peter A. Nesfield, R.A. dated January 14, 2022 and revised through February 6, 2024 *as amended*.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Hernandez      Seconded by: Member Goodsell

Ayes: Member Goodsell, Member Hernandez, Member Donatelli,  
Chairman Mammina

Nays: None

Absent: Vice Chairman Francis

  
VIRGINIA M. WAGNER  
SECRETARY

**THIS IS NOT A BUILDING PERMIT**



*Chairman*  
David L. Mammina, A.I.A.

*Vice Chairman*  
Leslie Francis, Esq.

*Members*  
Daniel Donatelli, Esq.  
Jay Hernandez  
Patricia A. Goodsell, Esq

## Town of North Hempstead



### Board of Zoning Appeals

210 Plandome Road  
Manhasset, NY 11030  
(516) 869-7667  
Fax (516) 869-7812

### NOTICE OF DECISION

**APPEAL #21485 - Fan Yang; 254 Jerome Avenue, Carle Place; Section 9, Block 94, Lot 81;  
Zoned: Residence-C**

Variances from 70-49B, 70-49.C, 70-51.A, and 70-52.3(A) to construct additions that make a home too big, create smaller than required total (aggregate) side yards, and pierce the allowable sky exposure plane profile.

**Whereas**, an application (RBP23-000082, BZA23-000113) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **March 6, 2024**, the appeal in the above-entitled matter was decided as follows:

The variance sought under § 70-52.3(A) with respect to the construction of additions that pierce the allowable sky exposure plane profile was **WITHDRAWN** by the applicant per the revised plans and the variiances sought under §§ 70-49B, 70-49.C, 70-51.A with respect to the construction of additions that make the home too big and create smaller than required total (aggregate) side yards are **GRANTED** of the dimension and in the location as shown on drawings prepared by Raymond Doner, R.A. dated January 20, 2023 and revised through February 9, 2024 *as amended*.

**IN REACHING THIS DETERMINATION, THE BOARD CONSIDERED THE  
FACTORS SET FORTH IN THE ATTACHED FINDINGS OF FACT**

**THIS IS NOT A BUILDING PERMIT**

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

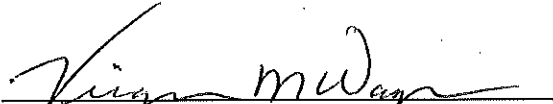
Motioned by: Member Goodsell      Seconded by: Member Hernandez

Ayes: Member Goodsell, Member Hernandez, Chairman Mammina

Nays: None

Absent: Vice Chairman Francis

Abstain: Member Donatelli

  
\_\_\_\_\_  
**VIRGINIA M. WAGNER**  
**SECRETARY**

**THIS IS NOT A BUILDING PERMIT**

# Board of Zoning Appeals

## Town of North Hempstead

---

Rider (Findings of Fact for Appeal # 21485)

**APPEAL #21485 - Fan Yang; 254 Jerome Avenue, Carle Place; Section 9, Block 94, Lot 81;  
Zoned: Residence-C**

Variances from 70-49B, 70-49.C, 70-51.A, and 70-52.3(A) to construct additions that make a home too big, create smaller than required total (aggregate) side yards, and pierce the allowable sky exposure plane profile.

Under Section 267-b of the Town Law, the Board is empowered to grant area variances in cases where the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community. The Board is also required to grant the *minimum* variance necessary. In making such determination the Board shall also consider: 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; 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; 3) whether the requested area variance is substantial; 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and 5) whether the alleged difficulty was self-created. After careful consideration of the facts presented during the hearing, personal observations of the site and surrounding area, and a review of Building Department files, in weighing the above criteria the Board finds the following:

1. The Board finds that granting the requested variances will not produce an undesirable change in the character of the neighborhood or community, especially since the revised plans have eliminated the variance required for piercing the allowable sky exposure plane profile and have significantly reduced the gross floor area (GFA). The Board further finds that because the proposed additions are adding bulk to the rear of the home, the excess GFA will not be discernable from the street. The applicant redesigned the roof as a "hipped" roof to reduce any negative impact to the street and immediate neighbors.
2. Although the Board finds that the variance requested for gross floor area "GFA" could still be considered substantial (270 s.f. in excess of what is permitted by Code) the revised plans demonstrate the minimum variance for GFA which is necessary for the applicant to achieve the benefit sought.

**THIS IS NOT A BUILDING PERMIT**

# Town of North Hempstead

*Chairman*  
David L. Mammìna, A.I.A.

*Vice Chairman*  
Leslie Francis, Esq.

*Members*  
Daniel Donatelli, Esq.  
Jay Hernandez  
Patricia A. Goodsell, Esq.



## Board of Zoning Appeals

210 Plandome Road  
Manhasset, NY 11030  
(516) 869-7667  
Fax (516) 869-7812

### NOTICE OF DECISION

**APPEAL #21503 – Kenny Lin; 121 Sigsbee Ave., Albertson; Section 9, Block 656, Lot 44;  
Zoned: Residence-C**

Variance from § 70-100.2.A(4)(B) to legalize fences on side property lines that are too tall.

**Whereas**, an application (RFP23-000091, BZA23-000170) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **March 6, 2024**, the appeal in the above-entitled matter was decided as follows:

### **DENIED**

**IN REACHING THIS DETERMINATION, THE BOARD CONSIDERED THE FACTORS SET FORTH IN THE ATTACHED FINDINGS OF FACT**

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Goodsell                      Seconded by: Member Hernandez

Ayes: Member Goodsell, Member Hernandez, Member Donatelli,  
Chairman Mammìna

Nays: None

Absent: Vice Chairman Francis

**VIRGINIA M. WAGNER  
SECRETARY**

**THIS IS NOT A BUILDING PERMIT**

# Board of Zoning Appeals

## Town of North Hempstead

---

Rider (Findings of Fact for Appeal # 21503)

APPEAL #21503 – Kenny Lin; 121 Sigsbee Ave., Albertson; Section 9, Block 656, Lot 44;  
Zoned: Residence-C

Variance from § 70-100.2.A(4)(B) to legalize fences on side property lines that are too tall.

Under Section 267-b of the Town Law, the Board is empowered to grant area variances in cases where the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community. The Board is also required to grant the *minimum* variance necessary. In making such determination the Board shall also consider: 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; 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; 3) whether the requested area variance is substantial; 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and 5) whether the alleged difficulty was self-created. After careful consideration of the facts presented during the hearing, personal observations of the site and surrounding area, and a review of Building Department files, in weighing the above criteria the finds the following:

1. The applicant did not demonstrate that a compliant fence in this location would not accomplish the same benefit.
2. The applicant did not demonstrate that the alleged difficulty was related to the property itself and not due to the personal circumstances of the applicant.
3. Granting this variance would set a precedent for granting similar variances throughout the neighborhood and could undermine the goals and intentions of the Town Board when establishing the maximum fence height limitations of the code.

The Board finds that the applicant has not sustained their burden of proof for the issuance of the requested variance and therefore, the variance sought under § 70-100.2.A(4)(B) is **DENIED**.

**THIS IS NOT A BUILDING PERMIT**

# Town of North Hempstead



*Chairman*  
David L. Mammìna, A.I.A.

*Vice Chairman*  
Leslie Francis, Esq.

*Members*  
Daniel Donatelli, Esq.  
Jay Hernandez  
Patricia A. Goodsell, Esq

## Board of Zoning Appeals

210 Plandome Road  
Manhasset, NY 11030  
(516) 869-7667  
Fax (516) 869-7812

### NOTICE OF DECISION

**APPEAL #21504 - Thomas Varghese; 125 Sigsbee Avenue, Albertson; Section 9, Block 656, Lot 114; Zoned: Residence-C**

Variance from §70-100.2(A)(4) to legalize fencing that is too tall.

Whereas, an application (RFP23-000094, BZA23-000171) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **March 6, 2024**, the appeal in the above-entitled matter was decided as follows:

### DENIED

**IN REACHING THIS DETERMINATION, THE BOARD CONSIDERED THE FACTORS SET FORTH IN THE ATTACHED FINDINGS OF FACT**

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli                      Seconded by: Member Goodsell

Ayes: Member Goodsell, Member Hernandez, Member Donatelli,  
Chairman Mammìna

Nays: None

Absent: Vice Chairman Francis

**VIRGINIA M. WAGNER**  
**SECRETARY**

**THIS IS NOT A BUILDING PERMIT**

# Board of Zoning Appeals

## Town of North Hempstead

---

Rider (Findings of Fact for Appeal # 21504)

APPEAL #21504 - Thomas Varghese; 125 Sigsbee Avenue, Albertson; Section 9, Block 656, Lot 114; Zoned: Residence-C

Variance from §70-100.2(A)(4) to legalize fencing that is too tall.

Under Section 267-b of the Town Law, the Board is empowered to grant area variances in cases where the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community. The Board is also required to grant the *minimum* variance necessary. In making such determination the Board shall also consider: 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; 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; 3) whether the requested area variance is substantial; 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and 5) whether the alleged difficulty was self-created. After careful consideration of the facts presented during the hearing, personal observations of the site and surrounding area, and a review of Building Department files, in weighing the above criteria the Board finds the following:

1. The applicant did not demonstrate that a compliant fence in this location would not accomplish the same benefit.
2. The applicant did not demonstrate that the alleged difficulty was related to the property itself and not due to the personal circumstances of the applicant.
3. Granting this variance would set a precedent for granting similar variances throughout the neighborhood and could undermine the goals and intentions of the Town Board when establishing the maximum fence height limitations of the code.

The Board finds that the applicant has not sustained their burden of proof for the issuance of the requested variance and therefore, the variance sought under §70-100.2(A)(4) is **DENIED**.

**THIS IS NOT A BUILDING PERMIT**

# Town of North Hempstead



*Chairman*  
David L. Mammina, A.I.A.

*Vice Chairman*  
Leslie Francis, Esq.

*Members*  
Daniel Donatelli, Esq.  
Jay Hernandez  
Patricia A. Goodsell, Esq

## Board of Zoning Appeals

210 Plandome Road  
Manhasset, NY 11030  
(516) 869-7667  
Fax (516) 869-7812

### NOTICE OF DECISION

**APPEAL #21508 – Lijo Thomas; 31 Kingston St., New Hyde Park; Section 8, Block 345, Lot 25; Zoned: Residence-C**

Variance from § 70-51.A to legalize a roofed-over deck that is too close to a side property line.

**Whereas**, an application (RBP23-000919, BZA23-000174) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **March 6, 2024**, the appeal in the above-entitled matter was decided as follows:

**GRANTED** of the dimension and in the location as shown on drawings prepared by Andreas Letkovsky, R.A. dated October 25, 2023.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Goodsell                      Seconded by: Member Hernandez

Ayes: Member Goodsell, Member Hernandez, Member Donatelli,  
Chairman Mammina

Nays: None

Absent: Vice Chairman Francis

A handwritten signature in cursive script, appearing to read "Virginia M. Wagner", is written over a horizontal line.

**VIRGINIA M. WAGNER**  
**SECRETARY**

**THIS IS NOT A BUILDING PERMIT**



# Town of North Hempstead



*Chairman*  
David L. Mammina, A.I.A.

*Vice Chairman*  
Leslie Francis, Esq.

*Members*  
Daniel Donatelli, Esq.  
Jay Hernandez  
Patricia A. Goodsell, Esq

## Board of Zoning Appeals

210 Plandome Road  
Manhasset, NY 11030  
(516) 869-7667  
Fax (516) 869-7812

### NOTICE OF DECISION

**APPEAL #21511 – Panagiotia Christakis; 24 Ridge Dr., Port Washington; Section 6, Block 80, Lot 1; Zoned: Residence-A**

Variances from §§ 70-29(C), 70-30(C), & 70-101(B) to construct additions that would make the house too big and would be located too close to the street, and to construct an open porch that is too close to the street.

**Whereas**, an application (RBP23-001030, BZA24-000006) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **March 6, 2024**, the appeal in the above-entitled matter was decided as follows:

**GRANTED** of the dimension and in the location as shown on drawings prepared by Donald Alberto, R.A. dated December 1, 2023.

**IN REACHING THIS DETERMINATION, THE BOARD CONSIDERED THE FACTORS SET FORTH IN THE ATTACHED FINDINGS OF FACT**

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Donatelli                      Seconded by: Member Goodsell

Ayes: Member Goodsell, Member Hernandez, Member Donatelli,  
Chairman Mammina

Nays: None

Absent: Vice Chairman Francis

**VIRGINIA M. WAGNER**  
**SECRETARY**

**THIS IS NOT A BUILDING PERMIT**

# Board of Zoning Appeals

## Town of North Hempstead

---

Rider (Findings of Fact for Appeal # 21511)

**APPEAL #21511 – Panagiotia Christakis; 24 Ridge Dr., Port Washington; Section 6, Block 80, Lot 1; Zoned: Residence-A**

Variances from §§ 70-29(C), 70-30(C), & 70-101(B) to construct additions that would make the house too big and would be located too close to the street, and to construct an open porch that is too close to the street.

Under Section 267-b of the Town Law, the Board is empowered to grant area variances in cases where the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community. The Board is also required to grant the *minimum* variance necessary. In making such determination the Board shall also consider: 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; 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; 3) whether the requested area variance is substantial; 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and 5) whether the alleged difficulty was self-created. After careful consideration of the facts presented during the hearing, personal observations of the site and surrounding area, and a review of Building Department files, in weighing the above criteria the Board finds the following:

1. In granting the requested variance for gross floor area the Board has taken into consideration the fact that the requested variance is not substantial (57.4 s.f. in excess of the permitted GFA). The Board has also considered the fact that the property is so large (17,517.92 s.f.) that the applicant would be permitted to bump up to the gross floor area requirements of the R-AA zoning district and no variance would be required for GFA if it were not for the non-compliant setbacks of the existing home.
2. In granting the setback variances the Board has considered that the property is irregularly shaped which makes it difficult to develop the site in compliance with the applicable dimensional requirements of the R-A zoning district.

**THIS IS NOT A BUILDING PERMIT**