**David Jimenez, RA** Director of Building Department



Phone: (516) 320-7843 Fax: (516) 759-6711 www.glencoveny.gov

### **CITY OF GLEN COVE**

City Hall 9 Glen Street Glen Cove, New York 11542

### **BUILDING DEPARTMENT**

Date:	April 12, 2021
То:	The Chairman and Members of the Board of Appeals
Application:	Messina – Maintain Pool, Deck, Patio, Gazebo, & Garage
Address:	5 Viola Drive, Glen Cove, NY 11542
Type of USE:	1 Family Dwelling

SECTION	BLOCK	LOT	ZONE
23	61	6	R-2

#### **DENIED** for the following reasons:

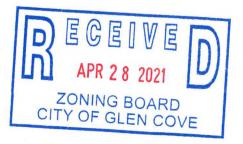
#### POOL

#### Variance 1

Pursuant to the Municipal Code of the City of Glen Cove, 280-56 R-2 Half-Acre Residence District.

D. (6) Minimum distance to front property line: 65 feet.

**APPLICANT IS PROPOSING 45'-7"** 



#### GARAGE

#### Variance 2

**D.** Lot area and building requirements for accessory uses Lot area and building requirements for accessory uses shall be as follows:

(7) Minimum distance to side property line. five feet.

[Note: Rear Lot line as per 280-6(I)]

#### APPLICANT IS PROPOSING 1.1' (North) & 0.6' (South)

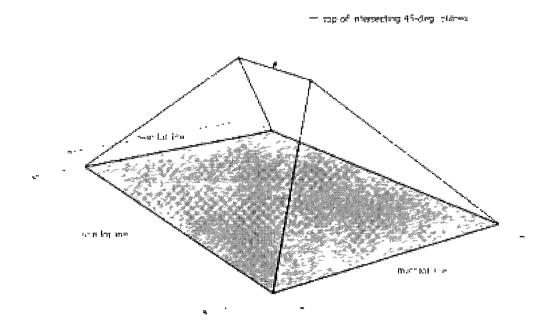
#### Variance 3

Pursuant to the Municipal Code of the City of Glen Cove, § 280-45 Regulations applicable to all districts.

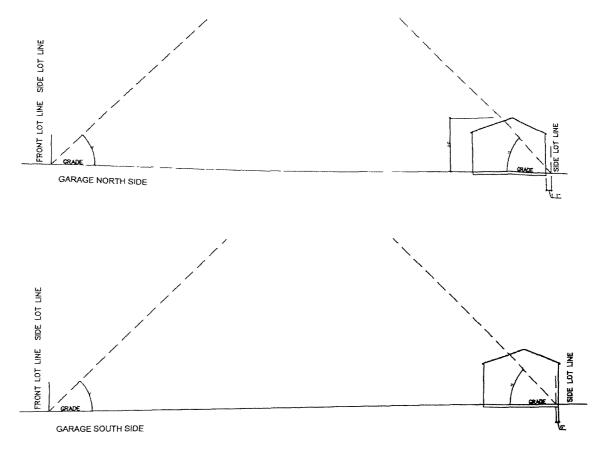
The following regulations shall apply to all districts.

**R.** Sky exposure planes.

(1) In the R-1A, R-1 and R-2 Districts, no portion of any structure shall extend above a set of sky exposure planes which shall include planes measured at a forty-five-degree angle beginning from the existing natural grade of the front, side, and rear lot lines. See below diagram.



#### COMPOSITE SAT EXPÓSURE DIAGRAM



# GARAGE SKY EXPOSURE PLANES

SCALE : 1/16"=1'-0"

#### ALL STRUCTURES

#### Variance 4

**B.** Lot area and building requirements for accessory uses. Lot area and building requirements for accessory uses shall be as follows:

(10) Minimum coverage 15%

#### **APPLICANT IS PROPOSING 15.4%**

#### GAZEBO

#### Variance 5

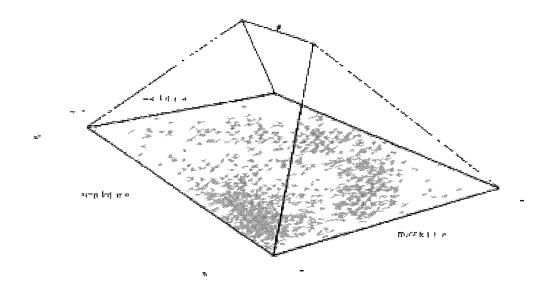
Pursuant to the Municipal Code of the City of Glen Cove, § 280-45 Regulations applicable to all districts.

The following regulations shall apply to all districts.

**R.** Sky exposure planes.

(1) In the R-1A, R-1 and R-2 Districts, no portion of any structure shall extend above a set of sky exposure planes which shall include planes measured at a forty-five-degree angle beginning from the existing natural grade of the front, side, and rear lot lines. See below diagram. (next page)

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COMPOSITE SKY EXPOSURE DIAGRAM

APPLICANT IS PROPOSING



## THIS IS FOR A ZONING BOARD APPLICATION ONLY. DOES NOT CONSTITUTUTE APPROVAL OF DRAWINGS SUBMITTED FOR CONSTRUCTION.

Please contact the Board of Appeals secretary Rosa Rizzo at 676-4448 for variance applications and requirements.

Thank you,

David Jimenez

Director – The City of Glen Cove Building Department



#### CITY OF GLEN COVE

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ZONING BOARD CITY OF GLEN COVE

APPLICATION TO THE ZONING BOARD OF APPEA <u>FOR AN AREA VARIANCE</u>

1. Applicant hereby appeals to the City of Glen Cove Zoning Board of Appeals from the decision of the Building Department Director in denying a building permit for:

Maintain Existing Viny/ pool, wood Deck, Railor Patio, Wood Gazebo, and Meta garage.

2. Applicant's Name, Address and phone number are:

Mario Messina iola Drive, Glancove, NY.11542

- 3. If the Applicant is NOT the owner of record, the Applicant is (circle one):
  - a. contract vendee (attached copy of contract) OR
  - b. the tenant (attach copy of lease) OR
  - c. prospective tenant (attach copy of conditional lease or binding letter of intent)
- 4. The address of the property which is the subject of this Application is:

Viola Drive, Glen Care NY 11547

Nassau County Land & Tax Map designation is:

Section: <u>23</u> Block: <u>61</u> Lot: <u>6</u>

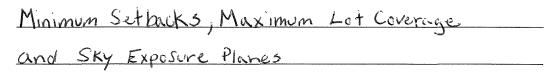
City of Glen Cove Zoning District is: <u>R-2</u>

Applicant became the owner of the subject property on \_\_\_\_\_\_
 by deed dated \_\_\_\_\_\_ recorded in Liber \_\_\_\_\_ Page \_\_\_\_\_

6. State whether the subject premises is located within 500 feet of the boundary line of any Village or Town, of any County or State Park, of any County or State parkway, thruway, expressway, road or highway, of any County stream or drainage channel, of any County or State owned land on which a public building or institution is situated, or of any farm operation located in an agricultural district.

Yes \_\_\_\_\_ No \_\_\_\_\_

7. The Petitioner requests the following relief from the Board of Appeals:



8. The Applicant seeks variance(s) from [or challenges interpretation of] the following section(s) of the Zoning Chapter 280 :

280-56 (D-6)(D-7), 280-45 (B-10) (R-1)

9. a. State how the granting of the relief requested will benefit the applicant and why it is necessary.

The subject Property is an Irregular odd Shape Lot and very difficult to meet these requirements without requesting relief. By granting this relief the abbers can use the remaining property for green space,

b. State why the requested variance(s) will not cause an undesirable change in the character of the neighborhood or a detriment to nearby properties if the application is granted.

Subject property has only two Adjucant neighbors which is well screened and Fencing all around the property. Both neighbors are in favor of the application and Both signed the affidavit letter, c. State why the benefit sought cannot be achieved by some method feasible for the Applicant to pursue other than an area variance.

Subject prop	erty is an irregular odd shape Lot
and very har	1 to achieve owner's goals without
àffecting the	entire property use and area.

d. Describe the difference between the proposed dimensions and the Code requirement for each variance.

less	than	requi	red Fron	t yar	d setbac	K, State Yure	1st Aback
and	Max	Lot	Coverage	2. Oh	subject	property	<b>*</b>

e. Explain why the requested relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Well Screened and Fencing all around property

10. Has the subject premises been the subject of prior applications for variances, special use permits and/or subdivisions?

Yes

No\_

If 'Yes', please describe and provide written decisions, if any, on those prior applications.

\_\_\_\_\_

11. State the names and phone numbers of any of the following licensed professionals who may appear at the public hearing representing the Applicant:

a. Attorney:
b. Architect: be Givanniello
c. Engineer: (P.E.): Frank Szalájda
d. Certified Planner:

12. If the Applicant is a corporation, the Petitioner has adopted a resolution (copy attached) authorizing the following corporate officer to act on its behalf:

Name

Title

- The approximate dimensions in linear feet of the subject premises (lot) are as 13. follows:
  - a. Width: 173.87

  - b. Depth: <u>209,10</u>
    c. Size of lot (in acres): <u>0.46</u>
- Are there current violations and/or criminal charges which relate to this 14. Application pending against the subject premises and/or the Applicant?

Yes \_\_\_\_\_ No \_\_\_\_\_

If 'Yes', please describe.

CASE 2020-159

15. Does the Applicant seek to legalize a use of land and/or structures and buildings which already exist?

Yes No

16. The Applicant represents that Applicant has received a copy of the Board's Rules of Procedure and acknowledges that Applicant has complied with said Rules in all respects as the same apply to this Application.

I HAVE READ THE FOREGOING APPLICATION AND UNDERSTAND THAT ANY FALSE STATEMENT MADE THEREIN IS PUNISHABLE AS A CLASS 'A' MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE NEW YORK STATE PENAL LAW.

eant's Signature

ł

Date: 3/17/21

DISCLOSURE AFFIDAVIT



for a variance, modification, revocation of declaration of Affidavit of Certification by applicant pursuant to the restrictions, or (state other relief requested) which requires the favorable exercise of discretion by the Board mentioned below\*

ME

BEFORE

Board of Appeals of the City of Glen Cove

Name of Applicant(s) (Exactly as name appears on deed, lease and/or contract)

provisions of Sec 809 of the General Municipal Law

Refer to the preamble before completing this form.

Every applicant before the Board of Zoning Appeals, including an owner, lessee. agent and contract vendee must execute this Disclosure Affidavit.

STATE OF NEW YORK

In the Matter of the Application of

COUNTY OF NASSAU

MARIO J. MESSINIA

\_, being duly sworn,

Name (Exactly as name appears on deed, lease and/or contract), deposes and say(s) \* Strike out mapplicable phrases, letters or words and fill in where necessary

355.:

Your deponent(s) is (are) (an agent of) (an officer of) the applicant(s) in the above entitled proceeding (and)

(who) is (are) the owner(s) in fee, (contract vendee) (lessee) or (describe other category) of the premises referred to in

the application and is (are) interested in the outcome thereof (except as otherwise stated) and there are no other persons

interested either in the fee ownership or as holder of an encumbrance upon the property

Your deponent's home address is as follows. 51/10/a Drive, Glan Cove WY 11542 (street) (town/city) (state) (zip)

(office title)

#### TO BE COMPLETED BY BUSINESS - IF NOT APPLICABLE, PLEASE LEAVE BLANK

Your	leponent	15	an	officer,
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nf	
01	

(name of corporation/company)

a corporation duly organized and existing under and by virtue of the laws of the State of New York, with its principal

(street)	(town/city)	(state)	(Zip)
All officers directors and shareholde	rs and their addresses ar	e as follows	
OFFICERS		ADDR	ESS
DIRECTORS		ADDR	ESS

### APPLICABLE TO BUSINESSES ONLY (continued)

-

SHAREHOLDERS:	ADDRESS:
Your deponent is a (General) Partner of	F
	rincipal place of business at
,	ers, whose addresses are set opposite each partner's names:
NAME: .	HOME ADDRESS:
TO BI	E ANSWERED BY ALL
Are any state officer(s) or any Officer(s)	or employee(s) of the County of Nassau or of the City of Glen C yorable exercise of discretion of the Board of Zoning Appeals in
<pre>xNOYES    (initial required)</pre>	
(If yes, please complete below)	
NAME POSITION	NATURE & EXTENT ADDRESS OF INTEREST
	MANIO J. MESSI PRINT NAME (Exactly as it appears on deed, ie:
	and/or contract)
Swort to before me this , 20	
arkain Laglet	and/or contract)
Notary Public	
Apr., 20 Jack	and/or contract)

.

Mach 19, 2021

City of Glen Cove Zoning Board of Appeals 9 Glen Street Glen Cove, NY 11542

Re: Mario Messina 5 Viola Drive Glen Cove, NY 11542 ZBA Appeal No.

To whom it may concern:

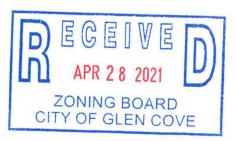
I am aware that Mario Messina, owner of property located at 5 Viola Drive, Glen Cove, NY 11542 is requesting a variance to maintain existing constructed vinyl pool, wood deck, raised patio area, wood gazebo, and a rear metal garage with less than the required front and side yard setback, and with the exceeding maximum lot coverage. I fully understand what Mr. Messina has presented to me and I give my consent and approval to the above referenced application.

Lot 8: Rocco Romito & Marie Kim

Signature: Luth Cull

Address: 200 Duck Pond Road, Glen Cove, NY 11542

Phone #: 516 671 - 0093



Mach 19, 2021

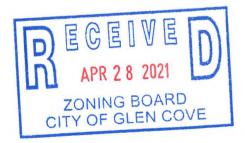
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Lot 2: Jerry & Joan Hertz Signature: Address: 4 Viola Drive, Glen Cove, NY 11542 6025 Phone #: 516



Mach 19, 2021

City of Glen Cove Zoning Board of Appeals 9 Glen Street Glen Cove, NY 11542

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Lot 7: Sunzhong Gao & Jingping Bao

Signature:

Address: 1 Viola Drive, Glen Cove, NY 11542

Phone #: 718 J013666



City of Glen Cove Zoning Board of Appeals 9 Glen Street Glen Cove, NY 11542

Re: Mario Messina 5 Viola Drive Glen Cove, NY 11542 **ZBA Appeal No.** 

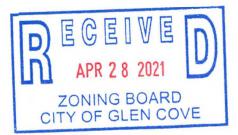
To whom it may concern:

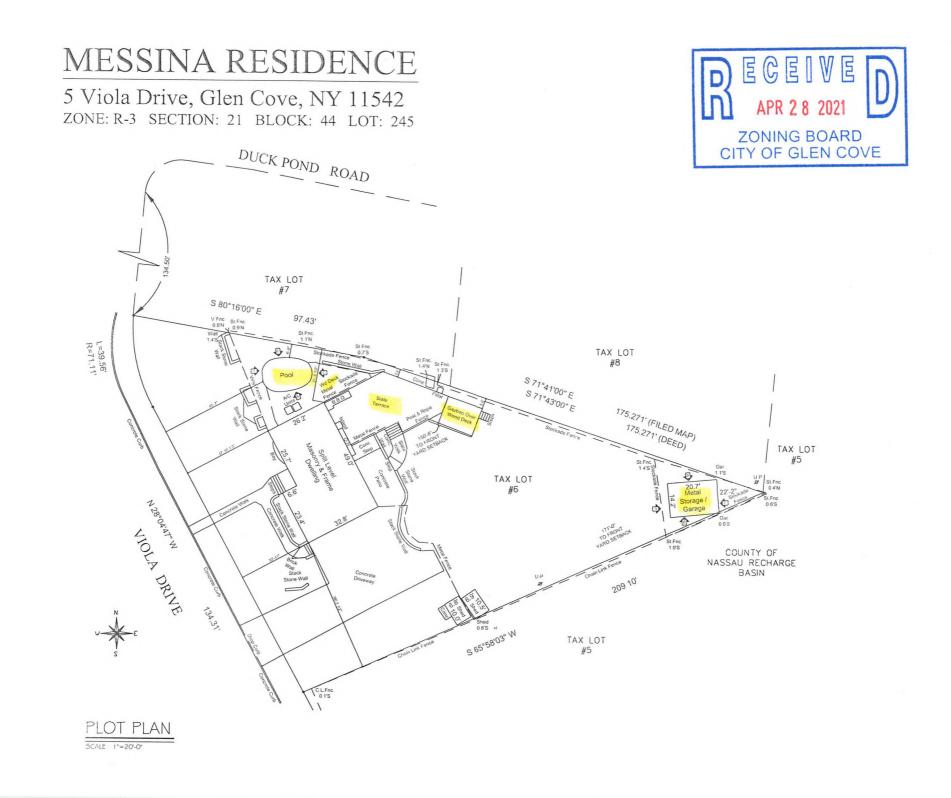
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Lot 3: Mary Figinolo Signature:

Address: 6 Viola Drive, Glen Cove, NY 11542

Phone #: 516-225-6950





#### OWNERS WITHIN 300' OF SUBJECT PROPERTY

<u>Section 23 Blo Lot</u> 490	<u>ck H</u> <u>Name</u> North Shore Wildlife Sanctuary	<u>Address</u> 63 Midway Avenue, Locust Valley, NY 11560
<u>Section 23 Bloo Lot</u> 9	<u>ck 45</u> <u>Name</u> Deborah & Nicole Valverde	<u>Address</u> 12 Viola Drive, Glen Cove, NY 11542
11	Francesco & Pasqualina Monaco	3 Helen Place, Glen Cove, NY 11542
24	Roberto Telese	10 Viola Drive, Glen Cove, NY 11542
25	Francesco & Pasqualina Monaco	3 Helen Place, Glen Cove, NY 11542
<u>Section 23 Bloc</u> Lot 1	<u>ck 60</u> <u>Name</u> Nikolas Kladias	<u>Address</u> 2 Viola Drive, Glen Cove, NY 11542
2	Jerry & Joan Hertz	4 Viola Drive, Glen Cove, NY 11542
3	Mary Figiuolo	6 Viola Drive, Glen Cove, NY 11542
4	County of Nassau	1 West Street, Mineola, NY 11501
8	Kim & Deborah Fennebresque	140 Duck Pond Road, Glen Cove, NY 11542
<u>Section 23 Bloc</u> Lot 1	<u>ck 61</u> <u>Name</u> Robert & Antoinette Lightbourn	<u>Address</u> 5 Laurie Place, Glen Cove, NY 11542
2, 10	John & Sandra Rhein	3 Laurie Place, Glen Cove, NY 11542
4	County of Nassau	1550 Franklin Avenue, Mineola, NY 11501
5	County of Nassau	1 West Street, Mineola, NY 11501
7	Sunzhong Gao & Jingping Bao	1 Viola Drive, Glen Cove, NY 11542
8	Vincent & Loretta Condello	198 Duck Pond Road, Glen Cove, NY 11542
9	Peter & Madeline Valentini	1 Laurie Place, Glen Cove, NY 11542
16	Rocco Romito & Marie Kim	200 Duck Pond Road, Glen Cove, NY 11542



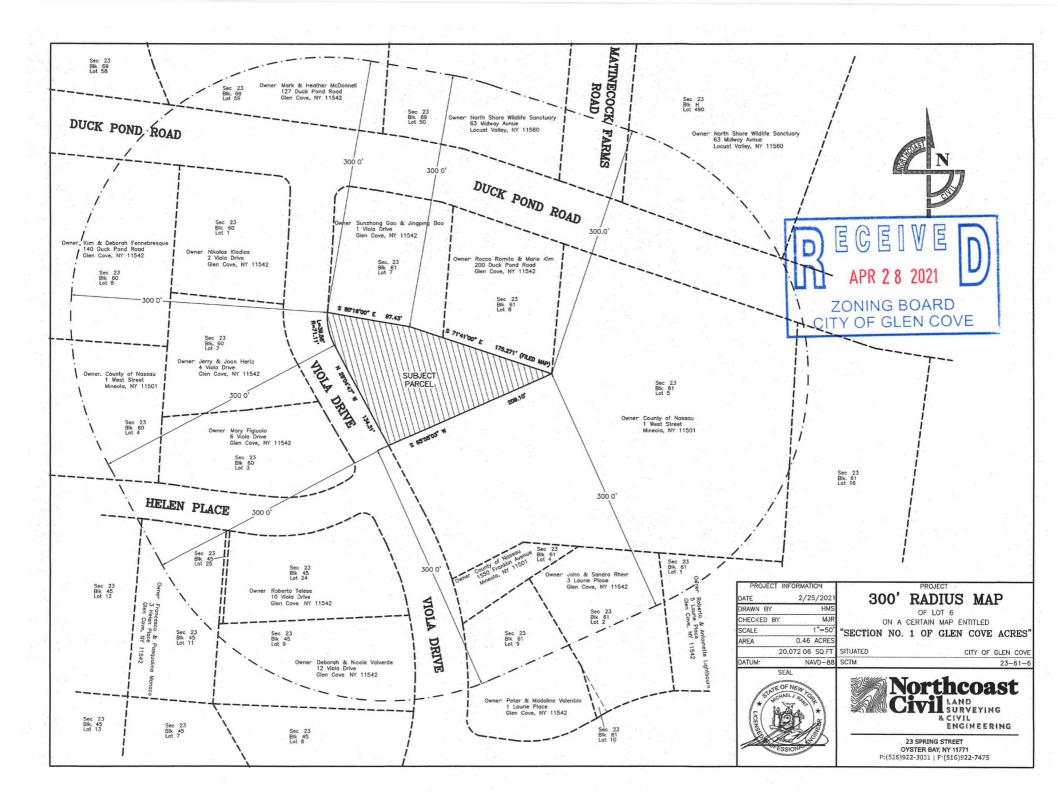
#### Section 23 Block 69

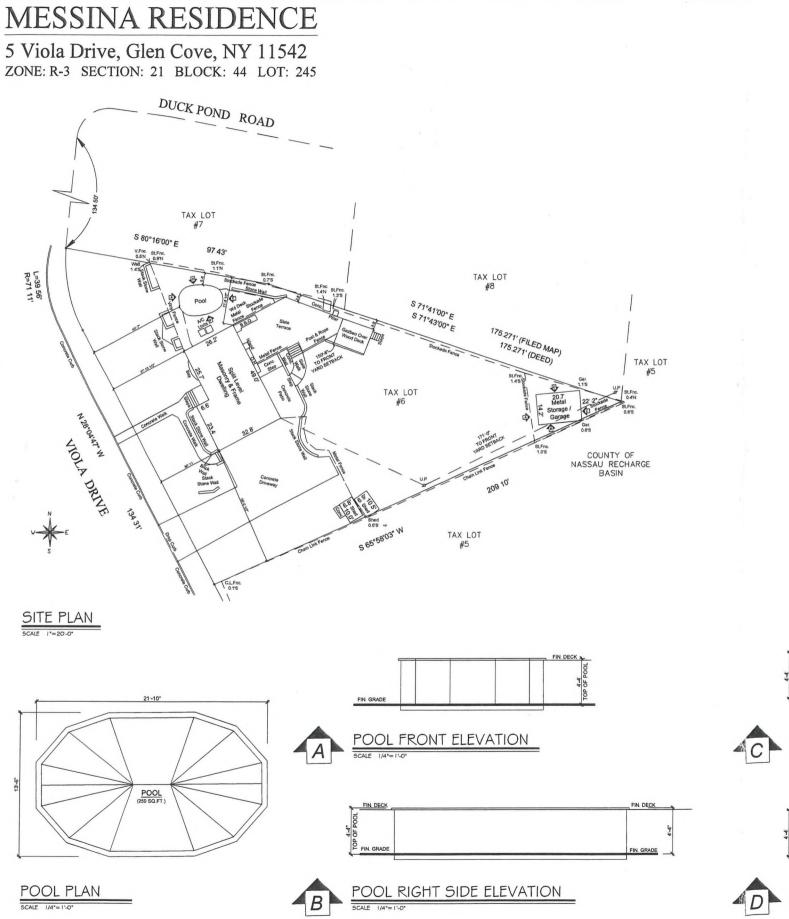
Lot	Name
50	North Shore Wildlife Sanctuary

59 Mark & Heather McDonnell

<u>Address</u> 63 Midway Avenue, Locust Valley, NY 11560

127 Duck Pond Road, Glen Cove, NY 11542



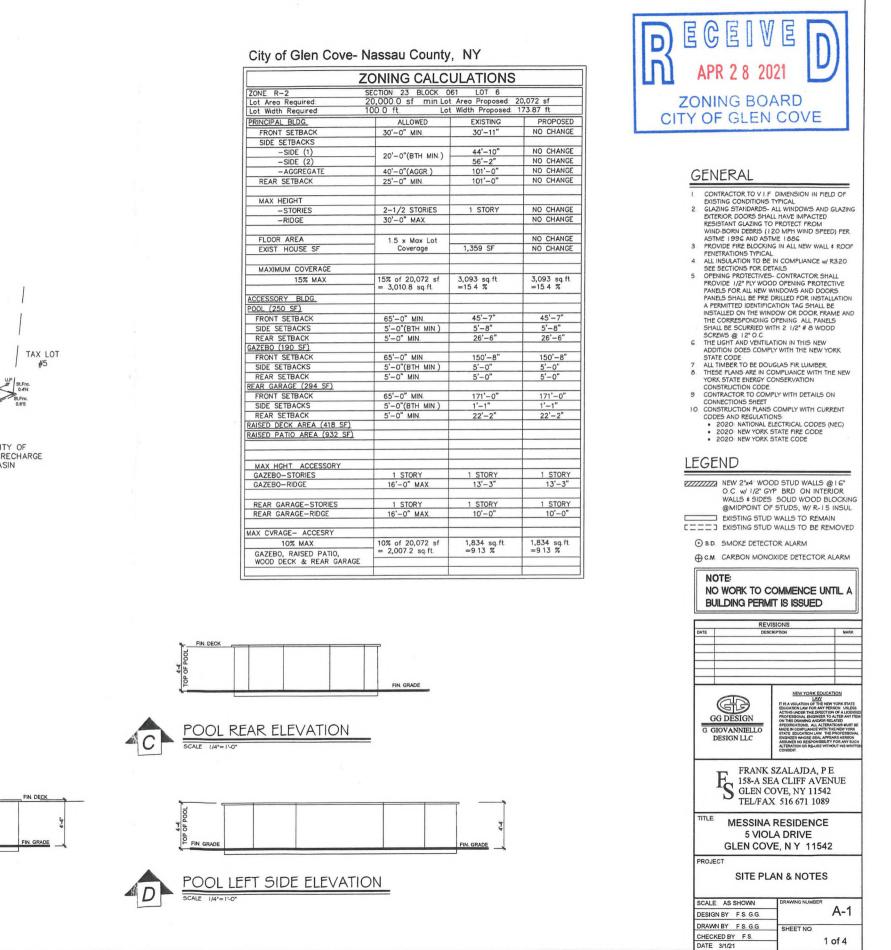


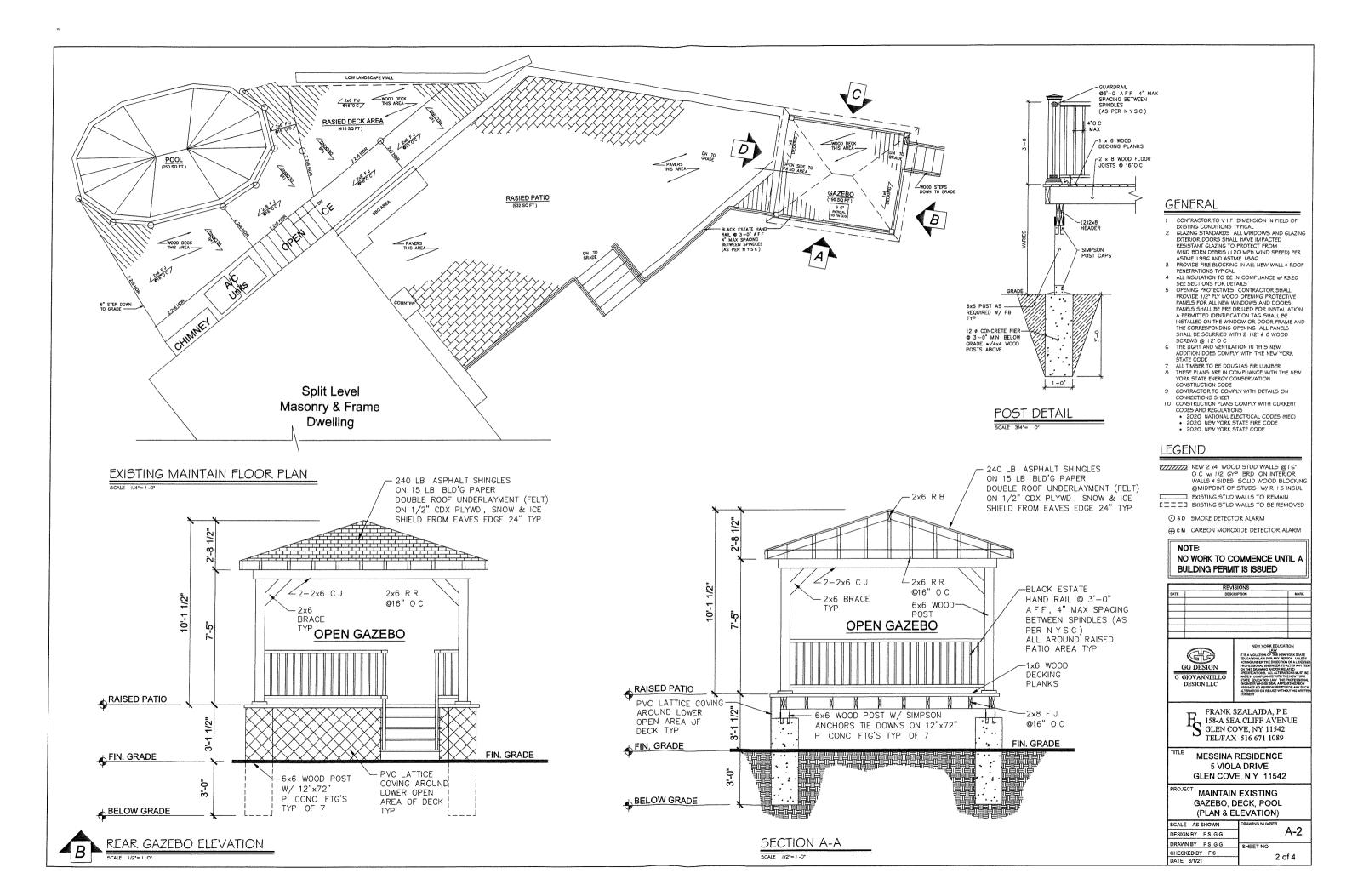
	ZONING CALC	ULATIONS
ZONE R-2	SECTION 23 BLOCK C	
Lot Area Required:	20,000 0 sf min Lo	t Area Proposed 2
Lot Width Required	100.0 ft. Lo	t Width Proposed 1
PRINCIPAL BLDG	ALLOWED	EXISTING
FRONT SETBACK	30'-0" MIN	30'-11"
SIDE SETBACKS		
-SIDE (1)	20'-0"(BTH MIN.)	44'-10"
-SIDE (2)	20-0 (BIH MIN.)	56'-2"
-AGGREGATE	40'-0"(AGGR.)	101'-0"
REAR SETBACK	25'-0" MIN	101'-0"
	-	
MAX HEIGHT		
-STORIES	2-1/2 STORIES	1 STORY
-RIDGE	30'-0" MAX	
FLOOR AREA	1.5 x Max Lot	
EXIST HOUSE SF	Coverage	1,359 SF
MAXIMUM COVERAGE		
15% MAX	15% of 20,072 sf	3,093 sq.ft
	= 3,010 8 sq ft	=15.4 %
ACCESSORY BLDG.		
POOL (250 SF)		
FRONT SETBACK	65'-0" MIN	45'-7"
SIDE SETBACKS	5'-0"(BTH MIN.)	5'-8"
REAR SETBACK	5'-0" MIN	26'-6"
GAZEBO (190 SF)	0 0 1111	
FRONT SETBACK	65'-0" MIN	150'-8"
SIDE SETBACKS	5'-0"(BTH MIN.)	5'-0"
REAR SETBACK	5'-0" MIN	5'-0"
REAR GARAGE (294 SF)		
FRONT SETBACK	65'-0" MIN	171'-0"
SIDE SETBACKS	5'-0"(BTH MIN.)	1'-1"
REAR SETBACK	5'-0" MIN.	22'-2"
RAISED DECK AREA (418 SF)	0 0 1111	
RAISED PATIO AREA (932 SF)		
	-	
MAX HGHT ACCESSORY		
GAZEBO-STORIES	1 STORY	1 STORY
GAZEBO-RIDGE	16'-0" MAX	13'-3"
GAZEBO	10 0 MAX	10 0
REAR GARAGE-STORIES	1 STORY	1 STORY
REAR GARAGE-RIDGE	16'-0" MAX	10'-0"
NEAN GANAGE NOOL	IU-U MAA	10-0
MAX CVRAGE- ACCESRY		
10% MAX	10% of 20,072 sf	1.834 so ft
GAZEBO, RAISED PATIO,	= 2,007 2 sq ft	1,834 sq ft =9.13 %
WOOD DECK & REAR GARAGE		

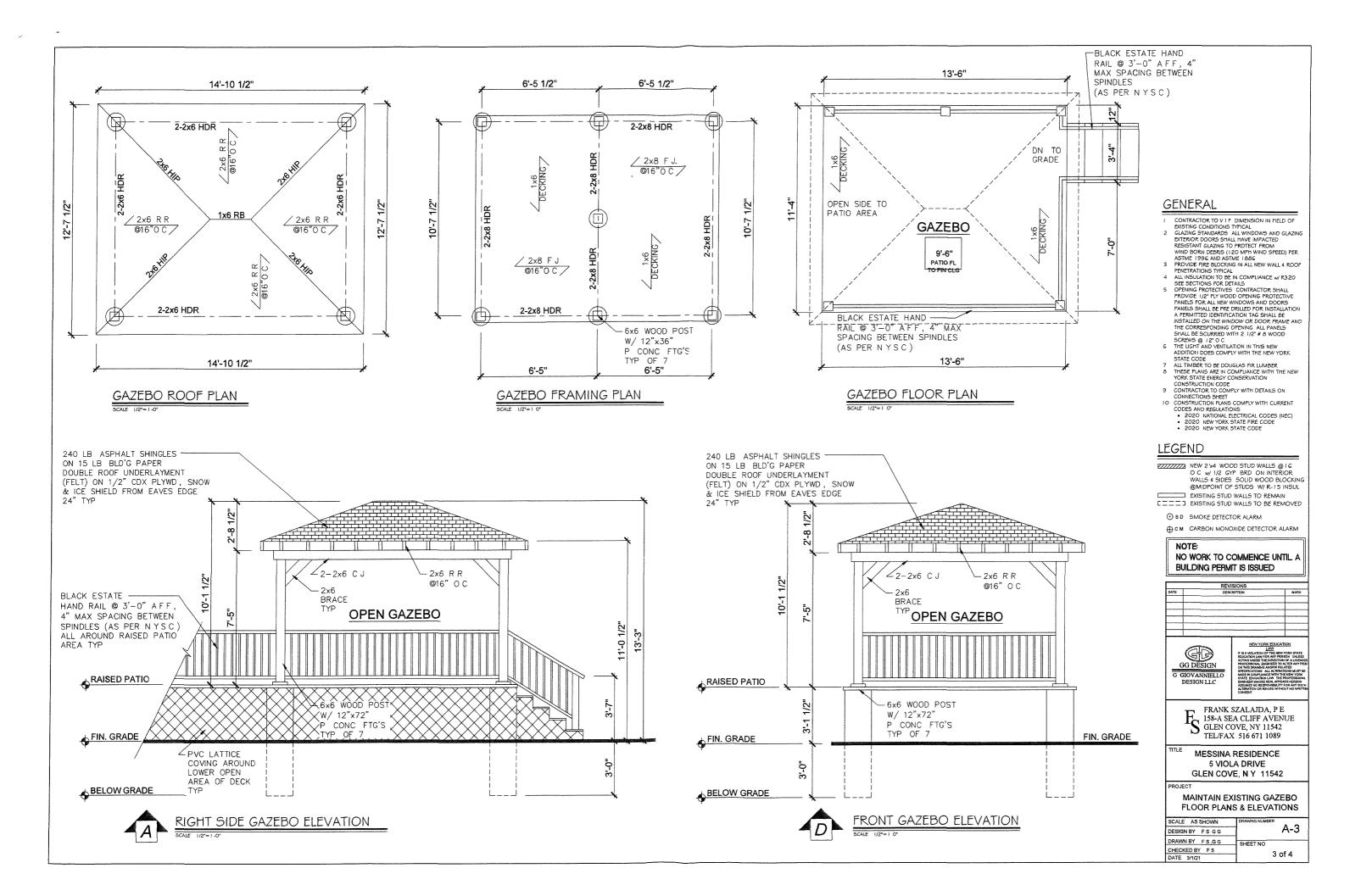


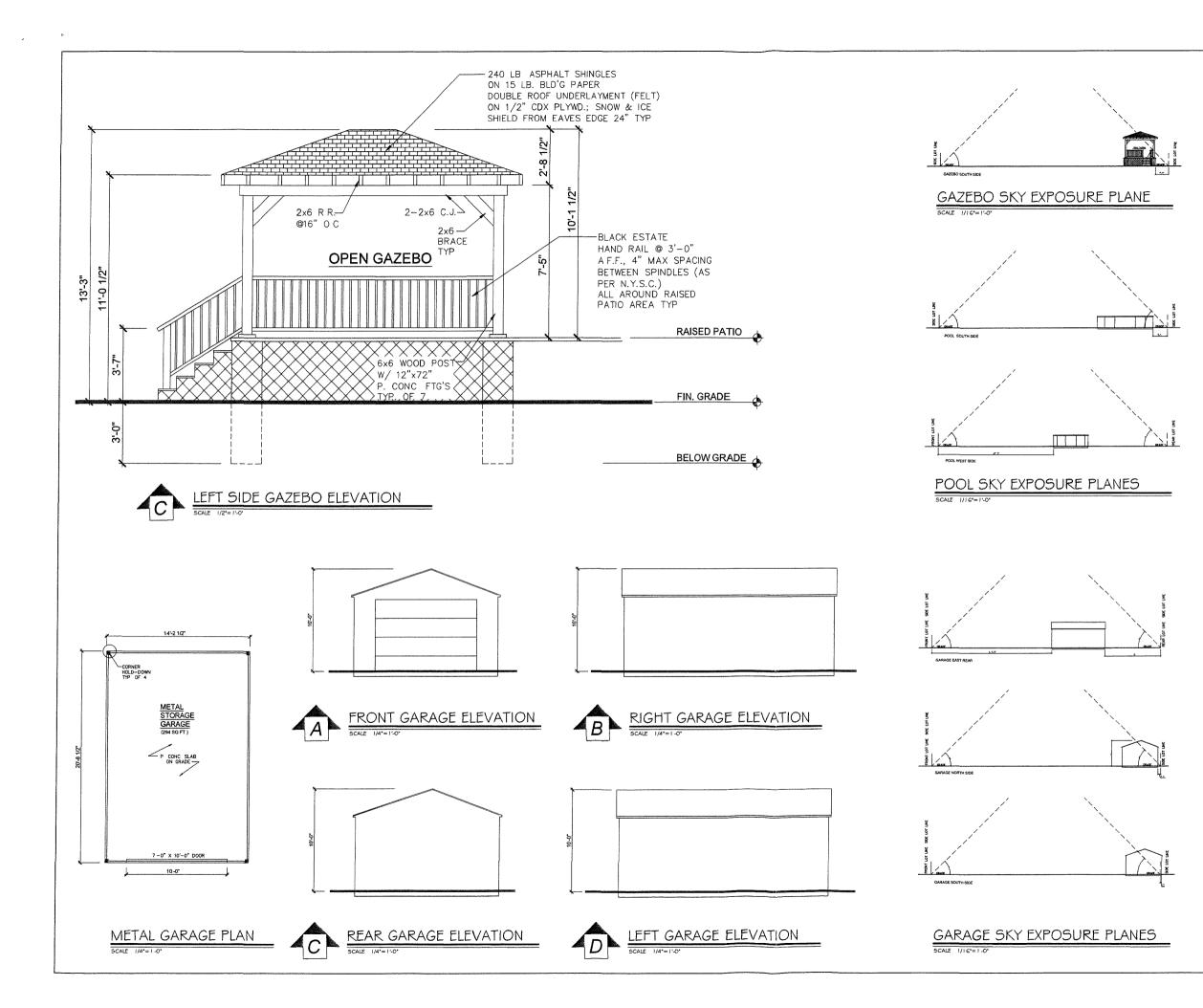
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E.











- CONTRACTOR TO VIF DIMENSION IN FIELD OF EXISTING CONDITIONS TYPICAL
- EXISTING CONDITIONS TYPICAL 2 GAZING STANDARDS- ALL WINDOWS AND GLAZING EXTERIOR DOORS SHALL HAVE IMPACTED RESISTANT GLAZING TO PROTECT FROM WIND-BORN DERRIS (120 MPH WIND SPEED) PER ASTME 199G AND ASTME 188G 3 PROVIDE FIRE BLOCKING IN ALL NEW WALL & ROOF PROVIDE FIRE BLOCKING IN ALL NEW WALL & ROOF

- ASTME 1996 AND ASTME 1886 9 PROVIDE FIRE ELOCINIG IN ALL NEW WALL & ROOF PENETRATIONS TYPICAL 4 ALL INSULATION TO BE IN COMPLIANCE W R320 SEE SECTIONS FOR DETALIS 5 OPENING PROTECTIVES- CONTRACTOR SHALL PROVIDE 1/2' PLY WOOD OPENING PROTECTIVE PANELS SHALL BE PRE DRILLED FOR INSTALLATION A PERMITTED IDENTIFICATION TAG SHALL DE INSTALLEO ON THE WINDOW GO DOOR FRAME AND THE CORRESPONDING OPENING ALL DEA SHALL DE SCURED WITH 2 1/2' # 8 WOOD SCREWS @ 12' O C 10HT AND VENTILATION IN THIS NEW ADDITION DES COMPLY WITH THE NEW YORK STATE CODE 7 ALL TIMBER TO BE DOUGLAS FIR LUMBER 8 THESE PLANS ARE IN COMPLIANCE WITH THE NEW YORK STATE ENERGY CONSERVATION CONSTRUCTION CODE 9 CONTRACTOR TO COMPLY WITH DETAILS ON CONSTRUCTION PLANS COMPLY WITH CURRENT 10 CONSTRUCTION PLANS COMPLY WITH CURRENT CODES AND REGULATIONS 2020 NATIONAL ELECTRICAL CODES (NEC) 2020 NEW YORK STATE FIRE CODE 2020 NEW YORK STATE CODE

#### LEGEND

VIII NEW 2'x4" WOOD STUD WALLS @IG" O C w/ 1/2" GYP BRD ON INTERIOR WALLS & SIDES SOLID WOOD BLOCKING @MIDPOINT OF STUDS, W/ R-15 INSUL EXISTING STUD WALLS TO REMAIN CITI EXISTING STUD WALLS TO BE REMOVED ⊙ SD SMOKE DETECTOR ALARM ⊕ CM CARBON MONOXIDE DETECTOR ALARM NOTE: NO WORK TO COMMENCE UNTIL A BUILDING PERMIT IS ISSUED EVISIONS NEW YORK EDUCATION LAW TI IS A MOLATION OF THE INEW YORK STA EDUCATION LAW FOR ANY PERSON UNI-ACTING UNDER THE DIRECTION OF A LIC PROFESSIONAL DUCAMERY TO ALTER MY NOT THIS OBMOM FALL STATIONS MUK MODE IN COMMING ANDOR RELATED SPECIFICATIONS ALL ALTERATIONS MUK MADE IN COMMUNACE WITH THE NEW YO STATE EDUCATION LAW THE PROFESSION ENGINEER WHOSS SEAL APPEARS INCE GG DESIGN G GIOVANNIELLO DESIGN LLC FRANK SZALAJDA, P.E FS 158-A SEA CLIFF AVENUE GLEN COVE, NY 11542 TEL/FAX 516 671 1089 TITLE MESSINA RESIDENCE **5 VIOLA DRIVE** GLEN COVE, N.Y. 11542 ROJECT MAINTAIN EXISTING GAZEBO FLOOR PLANS & ELEVATIONS SCALE AS SHOWN A-4 DESIGN BY F.S ,G.G DRAWN BY FSGG SHEET NO CHECKED BY FS 4 of 4 DATE 3/1/21