

Village of Mamaroneck, New York  
Zoning Board of Appeals  
(Effective 2007)

- ☐ 6 Copies
- ☐ Completed Application
- ☐ COs/CCs or Letter
- ☐ Violations, if any
- ☐ Photographs
- ☐ Google Aerial Photo
- ☐ Survey
- ☐ Certified Drawings
- ☐ Consent
- ☐ Certification/Affidavit
- ☐ EAF
- ☐ Copy of Determination being appealed
- ☐ Riders if Application is Corp./Business Entity

Application # \_\_\_\_\_  
Agenda DATE: \_\_\_\_\_  
SP: \_\_\_\_\_  
AV: \_\_\_\_\_  
UV: \_\_\_\_\_  
Fence: \_\_\_\_\_  
Sign: \_\_\_\_\_  
Interpretation: \_\_\_\_\_

For Official Use Only

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Village of Mamaroneck, New York  
Zoning Board of Appeals  
APPLICATION

Date. 4/17 2023

TO: ZONING BOARD OF APPEALS- VILLAGE OF MAMARONECK  
123 Mamaroneck Avenue  
Mamaroneck., New York 10543  
I(We) Sean Christie

(Name of Applicant)

Of 107 Delaware Rd. Yonkers, NY Zip: 10701  
(Insert Complete Mailing Address)

Daytime Phone # 914-218-1331 Daytime Fax # \_\_\_\_\_ EMAIL: \_\_\_\_\_

Apply to the Board of Appeals regarding property located at \_\_\_\_\_  
317 Mamaroneck Ave.  
(Insert Location of Premises)

Bearing Village of Mamaroneck Tax Map Number. 9 / 19 / 14A1  
(Section) (Block) (Lot)

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1. **This is an Application for the following: check one (1) or more as applicable**

☒ **Area Variance** - This is to use land in a manner not allowed because of dimensional or topographical requirements in the Zoning Code

☐ **Use Variance** - This is to allow land to be used in a manner or for a purpose which is prohibited or not allowed by the Zoning code.

☐ **Special permit**

☐ **Sign Variance**

☐ **Fence Variance**

☐ **Appeal or Interpretation** (*Specify Code Section*)

☐ **Other:** Specify: \_\_\_\_\_

2. The Date and Description of the determination that is being appealed (a copy of the determination must be attached)

\_\_\_\_\_

3. What is the present zoning of the property? C-2

4. This Application must be made in the name of the person or entity that has a *possessory interest in the property such as a tenant, purchaser or owner*. If you are the owner, on *what date did you acquire title?* \_\_\_\_\_ If you are not the owner, list the name and address of the owner and describe your relationship to the property and the date said relationship commenced: Tenant

Anthony DiRoma 7 Pinewood Rd. White Plains, NY

IF you have acquired title to the property within the past two years, provide the name of the prior owner:

\_\_\_\_\_

**NOTE:**

**If the Applicant or Property Owner is a:**

**Corporation:** Attach a separate Rider listing all the corporation's officers, shareholders and their percentage of share ownership.

**Partnership:** attach a separate Rider listing the type of partnership and identify the partners and their partnership interests.

**LLC:** attach a separate Rider listing the LLCs members

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5. If someone else is authorized to act as your representative or to appeal with you on your behalf before the Board, his or her name, address and telephone number must be provided:

Name:	<u>Paul J. Noto</u>
Address:	<u>555 Theodore Fremd Ave. Rye, NY</u>
Telephone:	<u>914-381-7600 ext. 160</u>
Email:	<u>pnoto@dorflaw.com</u>

6. Has a prior variance, special permit, or interpretation Application ever been submitted for this property?

☐

Yes

☐

No

**If YES, you must attach copies of the prior variance or resolution and describe them:**

Pending special permit application  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. List **all permits** you must obtain in order to complete the subject project of this Application (include all permits or approvals necessary from any federal, state, county, or local agency or department):  
Special permit, building dept., health dept.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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8. Is the property subject to any covenants, easement, or other restrictions or encumbrances? If so, list and describe these. (You may be required to provide copies of these documents establishing same to the Board.) Please be advised that nothing herein or within board purview will alter or modify any existing contractual rights with respect to the subject property.

None

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9. ☐ Check here if there has been any illegal use or violations issued with respect to the property, regardless of whether it has been removed or adjudicated.

If so, describe and provide the date(s) and details, including if the violation continues:

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10. The following are the provisions of the Village Code from which either a variance is sought, or a permit is requested (you must itemize each variance you seek, since a variance cannot be obtained unless it is expressly requested and is the subject of public notice:

Article VII	Section 342-45	Subsection
Article	Section	Subsection
Article	Section	Subsection
Article	Section	Subsection

**NOTE:**

IF this is an application for A *USE VARIANCE*,  
COMPLETE QUESTION 11 on page 10.

IF this is an application for an *AREA VARIANCE*,  
COMPLETE QUESTION 12 on page 11

IF this is an application for ALL OTHER APPLICATIONS-  
INCLUDING A SPECIAL PERMIT  
COMPLETE QUESTION 13 on page 12.

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11. A use variance may only be granted if it is determined that zonings regulations and restrictions cause the property owner unnecessary hardship. New York law provides that: "In order to prove such unnecessary hardship, the property owner shall demonstrate to the Board of Appeals that:

- 1) Under the applicable zoning regulations, the owner is deprived of a reasonable return for each and every permitted use under the zoning regulations for the particular district where the property is located This deprivation must be established by competent financial evidence.
- 2) the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
- 3) the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- 4) the alleged hardship has not been self-created

You must set forth the facts which support your Application request. (Attach additional sheets, schedules, or other information that you want the Board to consider):

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12. Under State law, the Board of Appeals must consider the following factors in making a decision on your request for an area variance:

- 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.

See attached

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- 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.

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- 3) whether the requested area variance is substantial.

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- 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

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- 5) whether the alleged difficulty was self-created...

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13. If this Application is not for an area or use variance, provide information that supports your Application. You must refer to the appropriate sections of the Village Code and to other legal requirements necessary for the board to consider your application

**(Article X Special Permit) § 342-71 Action on referral.**

A. That the location and size of the use, the nature and intensity of the operations and traffic involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to the type, arrangement and capacity of streets giving access to it and the hours of operation are such that the proposed use will be in harmony with the appropriate and orderly development of the district in which it is located.

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B. That the location, nature and height of buildings, walls and fences and the nature and extent of the landscaping and screening on the site, as existing or proposed, are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

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C. That operations in connection with the proposed use will not be objectionable by reason of noise, fumes, smoke, dust, vibration, glare, intensity or flashing of lights.

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D. That the parking areas to be provided will be of adequate capacity for the particular use, properly located and suitably screened from adjoining residential uses and that the entrance and exit drives shall be laid out so as to achieve maximum safety.

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E. That, where they are applicable, the standards and requirements established or approved by the Village Engineer have been satisfactorily met as evidenced by his certification and that all necessary approvals of any other governmental agency or board have been or will be obtained by the applicant.

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## SUPPLEMENT TO APPLICATION OF SEAN CHRISTIE FOR A VARIANCE

Applicant seeks a special permit and variance to open a bubble tea shop at 317 Mamaroneck Ave. The premises had formerly been a salon and is within 200' of Garden Catering a food service establishment as defined in 342-45 of the village code.

Applicant intends to serve bubble tea and potentially prepared food products for take-out and eat-in, which classifies it as a food establishment under 342-45.

Applicant requires a variance.

- The granting of the variance will not result in an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The product is unique and is different from the fare offered at Garden Catering or anywhere else in the Village.
- There is no other way the applicant can open the business at this location without a variance.
- The variance is not substantial
- The proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood. In fact, it will be an asset to the area.
- The difficulty was self-created to the extent applicant entered into a lease prior to obtaining a variance.



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It is my responsibility as the Applicant to complete this Application completely and carefully, and to provide sixteen (16) copies of this Application, together with all necessary papers, plans, surveys, documents or other required information.

Failure to submit the required documents and information will delay my Application or result in its denial, since the ZBA cannot review or grant relief to incomplete Applications.

It is my responsibility to comply with all related requirements in presenting this Application, and the ZBA reserves the right to request additional documentation and/or drawing, and to condition any requested relief upon the filing of covenants and restrictions.

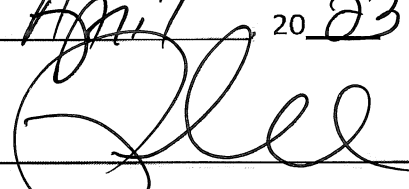
Although employees of the Village may provide me with assistance, I understand it is my responsibility to be familiar and comply with all applicable laws and to submit all necessary papers, plans, surveys, documents or other required information. I understand that copies of the Village Code are available for my review at the Village Clerks office as well as the Village Website and that I may be represented at the ZBA hearing.

I HEREBY CERTIFY THAT ALL STATEMENTS MADE ON THIS APPLICATION ARE TRUE TO THE BEST OF MY KNOWLEDGE.

  
\_\_\_\_\_  
(Applicant's Signature)

Sworn to before me this 17

Day of April 20 23

  
\_\_\_\_\_  
Notary Public

PAUL NOTO  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 4740754  
QUALIFIED IN WESTCHESTER COUNTY  
COMMISSION EXPIRES SEPT. 30, 2025 

**CERTIFICATION**

Sean Christie

(Required by New York State General Municipal Law)

states as follows:

(Applicant's name)

1. I am interested in this application for a variance or special use permit now pending before the Village of Mamaroneck Board of Appeals,
2. I reside at 107 Delawar Rd. Yonkers, NY
3. The nature of my interest in the aforesaid application is as follows:

4. If the Applicant or owner is a corporation, list the corporation's officers:

President: \_\_\_\_\_ Vice President: \_\_\_\_\_

Secretary: \_\_\_\_\_ Treasurer: \_\_\_\_\_

5. Do any of the following individuals have an interest, as defined below, in the owner or Applicant:

- a. Any New York State officers, or
- b. Any officer or employee of the Village of Mamaroneck, Town of Rye, Town of Mamaroneck, or Westchester County.

☐ Yes☒ No

For the purpose of this disclosure, an officer or employee shall be deemed to have an interest in the owner or Applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:

- a. is the Applicant or owner, or
- b. is an officer, director, partner or employee of the Applicant or owner, or
- c. legally or beneficially owns or controls stock of corporate Applicant or owner; or
- d. Is a party to an agreement with such an Applicant or owner, express or implied, whereby he may receive any payment or other benefit, whether or not for service rendered dependent or contingent upon the favorable approval of such application.

A PERSON WHO KNOWINGLY AND INTENTIONALLY FAILS TO MAKE SUCH DISCLOSURE SHALL BE GUILTY OF A MISDEMEANOR AS PROVIDED IN GENERAL MUNICIPAL LAW, SECTION 809

If "Yes," state the name and nature and extent of the interest of such individual:

\_\_\_\_\_  
(Name & Residence)\_\_\_\_\_  
(Extent of interest)Sworn to before me this 17 day of April, 2023\_\_\_\_\_  
Applicant's Signature\_\_\_\_\_  
NOTARY PUBLIC

PAUL NOTO  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 4740754  
QUALIFIED IN WESTCHESTER COUNTY  
COMMISSION EXPIRES SEPT. 30, 2025