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May 21, 2025

Zoning Board of Appeals
Village of Wesley Hills
432 Route 306
Wesley Hills, New York 10952

Re: *The Katz Residence, 38 Willow Tree Road, Wesley Hills, NY*

To the Wesley Hills Zoning Board of Appeals,

My client, Ahuva Katz, is requesting a variance for a cabana that is currently under construction at 38 Willow Tree Road. Due to a misunderstanding between the Village and my client, about the definition of Accessory Structure vs. Accessory Building, a building permit was issued for the cabana, and subsequently the Village Engineer discovered the misclassification.

Accessory buildings are limited to a ground floor area of 900 sf while Accessory Structures are limited to 2,500 sf (without planning board approval). The cabana in question is 2,337 sf, where 900 sf is allowed per section 230-14 O(5), therefore a variance is required.

We believe that the threshold of "practical difficulty" has been met and therefore the variance should be granted. In making its determination, the Zoning Board of Appeals should consider the following factors:

1. Due to the nature of the variance being sought, the benefits to the applicant, if the variance is granted, outweigh any detriment to the health, safety, and welfare of the neighborhood or community.

2. Due to the nature of the variance, no undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of the variance.

3. The variance is from the allowable 900 sf to 2,337 sf. The variance is mitigated by the common ownership of two properties, 36 & 38 Willow Tree Road. Both properties are quite large and therefore the cabana will not appear to overwhelm the open space of the two adjoining backyards.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood due to the reasons outlined in items 1-3. Thank you for your attention in this matter.

Sincerely,