



TOWN OF WILLSBORO
OFFICE OF THE SECRETARY FOR PLANNING AND ZONING BOARD

MINUTES
ZONING BOARD OF APPEALS
DATE: July 20th 2021 at 6:00 PM
LOCATION: WILLSBORO TOWN HALL

Present: Chairman: Carol de Mello; Board Members: Peter Sowizdrzal, Anthony Galioto, Ann Lincoln, Peter Sowizdrzal
Excused: Margaret Adkins
Members of the Public: Kevin King, Randy Young

Chairman de Mello called the meeting to order at 6:03 pm.

MINUTES:

The June 2021 minutes were approved as presented
(Lincoln/Galioto) A motion was made by Lincoln and seconded to approve the June 15th, 2021 minutes as presented. All in favor, motion carried.

PUBLIC HEARING:

--Daniel Yutronich—407 Corlear Drive—11.17-1-71.000---RL-1—Extension of Existing Deck to North 18'

De Mello stated the project will be at 407 Corlear Drive and the applicant wants to extend their existing deck to the north 18'. Sowizdrzal stated when he went to look at the property the owner showed him that all of the utilities are in the front yard towards the road.

Open Public Hearing at 6:09 pm

De Mello invited Kevin King, Yutronich's representative, to speak about the project. Mr. King stated the applicant is looking to fill the void on the side of the house where there is no deck. He stated the applicant is not going any closer to the lake or any wider than the existing house. De Mello questioned if the applicant plans on using the same material as the existing deck. Mr. King stated that yes, they are looking to use the same pressure treated material. De Mello also stated that the applicant mentioned that the new stairs will be towards the north. De Mello verified with Mr. King and he stated that the stairs will be to the north and not closer to the lake. Sowizdrzal stated that was one of his questions as well, and that with the deck being so long that it would be best to have stairs on both sides. Galioto questioned if the exiting deck railings will be taken down of left there? Mr. King stated that the railing will be coming down. Sowizdrzal questioned if the two parts will be one whole structure or if they will be two parts. Mr. King stated that the two parts of the deck, existing and new, will be one seamless deck.

Crandall read out loud the letter received from Suzanne Horn at 413 Corlear Drive. The letter read, "To Whom It May Concern, Unfortunately I will not be available to attend the hearing on July 20th @ 6pm concerning the public hearing for a variance on the property at 407 Corlear Drive, Tax Map Number 11.17-1-71.000. I do however support Dan and Nancy Yutronich in their desire to construct a new deck with the specifications supplied in your letter of July 1st 2021. Sincerely, Suzanne Horn." Randy Young stated he is in favor of the project, and it will not make the setback any worse and will not get closer to the high-water mark. He stated he has no objection to it. Mr. Young stated that the applicant is his wife's brother and sister-in law. De Mello stated that she is a direct neighbor of the Yutronich's, but she has no personal or financial interest in his property and she feels that she does not need to recuse herself and that she can be fair and impartial in this matter.

Close Public Hearing at 6:17 pm

The board discussed the five area variance questions that each board member has completed. See attached for all 4 members' answers.* While discussing question 4, As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood, the board read the applicant's answer that stated "I don't see any adverse effects physically or to the environment. No trees will be cut or removed."

(de Mello/Sowizdrzal) A motion was made by DeMello to grant a variance from Section 6.12 Setback from the Shoreline, Lot Width and Side Yards, page 57, for relief of 22 feet into the 50-foot shoreline setback requirement to add a deck that will extend from the existing deck which is set at 28 feet from the mean high-water mark with the new stairs set to the north and seconded. All in favor, motion carried.

OLD BUSINESS: No Old Business

NEW BUSINESS: No New Business

ADJOURNMENT: Meeting was adjourned at 6:36 pm.

(Galioto/Sowizdrzal) A motion was made by Galioto and seconded, to close the meeting. All in favor and the motion carried.

*See attached

Respectfully Submitted,

Codia Crandall
Secretary for Planning and Zoning Board

ZBA Member Area Variance Questions

Submitted by Anne Lincoln

Name: Dan Yutronich Tax map: 11.17-1-71.00 Application number 2021-80ZP

Date of vote: 7/20/2021

Findings:

1. As to whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance, I find that: **The camp is currently closer to the lakefront than the current zoning law allows, but was built previous to any zoning requirements. The front of the camp is the most appropriate placement of the deck as will be part of the existing deck.**
2. As to whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, I find that **This will not have any effect on the character of the neighborhood and will enhance the property. Visibility to the neighbors is limited and no trees will be removed for the new construction.**
3. As to whether the requested area variance is substantial, I find that: **the new part of the deck is only 288 square feet which is unsubstantial compared to the size of the property.**
4. As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood, I find that: **This will not adversely affect the physical or environmental conditions of the neighborhood. There is already a deck present and it is only an extension of the existing deck.**
5. As to whether an alleged difficulty is self-created, I find that: **No, this is a camp that was built prior to the zoning law.**

ZBA Member Area Variance Questions

Submitted by Tony Galioto

Name: Dan Yutronich Tax map: 11.17-1-71.00 Application number 2021-80ZP

Date of vote: 7/20/2021

Findings:

1. As to whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance, I find that: **the 18' x 16' x 3' high deck being proposed will be attached to the existing deck and to the residential structure and a variance is required. The structure does not meet the shoreline setback.**
2. As to whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, I find that **the structure is being constructed in the rear of the home and will be build to an existing deck with no undesirable changes to the neighborhood.**
3. As to whether the requested area variance is substantial, I find that: **the requested variance is substantial and required to construct the addition to the existing deck .**
4. As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood, I find that: **property layout in my estimation is sufficient to allow the construction of the deck addition without any adverse effect or impact to the environment neighborhood or district**
5. As to whether an alleged difficult is self-created, I find that: **no other design or placement of proposed deck extension is possible so the need for the variance is not self-created**

**ZBA Area Variance Questions DRAFT
Submitted by Carol de Mello**

Name Dan Yutronich Tax Map # 11.17-1-71.000

Area Variance Application Number: 2021-80ZP Date of Vote: 07-20-2021

Findings:

1. As to whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance, I find that:

Applicant desires to extend outdoor living space and have adequate flat surfaces available as they age. Given the location and orientation of the existing camp on the lot, this appears to be the most cost-effective option to satisfy their desires while maintaining the views and logistics of use. Trying to locate any new deck surfaces on the sides of the house would result in encroachment on side-yard setbacks.

2. As to whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, I find that:

Since the deck will match the existing one, there should be no change in character of the neighborhood, and no detriment to nearby properties. It has been a practice of the ZBA to allow reasonable requests with regard to grandfathering existing shoreline setbacks in situations of new construction.

3. As to whether the requested area variance is substantial, I find that:

The requested addition of an additional 16' of deck to continue to encroach at 28' on the lakefront setback of 50' does appear to be substantial at almost 44%. However, when looking at the overall picture and keeping in mind that this is an open and relatively low deck so that it doesn't obstruct any views, I find that it is not substantial.

4. As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, I find that:

As this is an open deck, I don't see any adverse effects or impact on physical or environmental conditions in the neighborhood.

5. As to whether an alleged difficulty is self-created, I find that: (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.)

Since the existing structure was built before the Zoning Ordinance went into effect, I find that the difficulty is not self-created.

ZBA Area Variance Questions DRAFT
Submitted by Pete Sowizdrzal

Name: Dan Yutronich Tax Map # 11.17-1-71.000

Area Variance Application Number: 2021-80ZP Date of Vote: 7-20-2021

Findings:

1. As to whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance, I find that:
There is not. The structure was built before zoning was in place. They are not extending the deck any closer to the mean high-water mark than what already exists.
2. As to whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, I find that:
It is not an undesirable charge but an improvement to the overall look and appearance of the property. The deck is being extended to match the existing decks footprint.
3. As to whether the requested area variance is substantial, I find that:
It is not. They are not building the addition to the deck to be any closer to the mean high-water mark than water already exists.
4. As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, I find that:
It will not. It is far away from the septic and leach field. Stormwater runoff will not be affected.
5. As to whether an alleged difficulty is self-created, I find that: (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.)
No. Structure was built before zoning was in place. Only increasing deck size. Won't affect lot coverage maximum.

DECISION FORM:

BOARD:	Zoning Board of Appeals
DATE OF APPEAL:	July 20, 2021
APPLICATION NUMBER:	2021-80ZP
NAME:	Dan Yutronich
PROJECT ADDRESS:	407 Corlear Drive
TAX MAP NUMBER:	11.17-1-71.000
REQUEST FOR VARIANCE FROM:	Section 6.12 Setback from the Shoreline, Lot Width and Side Yards, p. 57. Specifically, violates 50' shoreline setback requirement. Request relief of 22' as existing deck is already located at 28'. It will also need APA approval.

PROJECT DESCRIPTION:

Extend existing deck to the north 18' which is the northern border of the footprint of the camp. The western border will be the same as existing deck which makes the depth needed 16'.

REVIEW OF AREA VARIANCE CRITERIA:

Area Variance Criteria:

- 1. As to whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance, the board finds:*

Applicant desires to extend outdoor living space and have adequate flat surfaces available as they age. All board members agree that given the location and orientation of the existing camp on the lot, this appears to be the most cost effective option to satisfy their desires while maintaining the views and logistics of use. Trying to locate any new deck surfaces on the sides of the house would result in encroachment on side-yard setbacks.

- 2. As to whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created, the board finds:*

Since the deck will match the existing one, there should be no change in character of the neighborhood, and no detriment to nearby properties. It is not an undesirable charge but an improvement to the overall look and appearance of the property, and it will enhance the property. Visibility to the neighbors is limited and no trees will be removed for the new construction. It has been a practice of the ZBA to allow reasonable requests with regard to grandfathering existing shoreline setbacks in situations of new construction.

- 3. Is the requested area variance substantial?*

Some board members thought it was substantial: the requested addition of an additional 16' of deck to continue to encroach at 28' on the lakefront setback of 50' does appear to be substantial at almost 44%. However, when looking at the overall picture and keeping in mind that this is an open and relatively low deck so that it doesn't obstruct any views, it is not substantial. Others felt it was not substantial as it would not encroach further into the setback and was very small in comparison to the size of the property.

4. *As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, the board finds:*

Property layout is sufficient to allow the construction of the deck addition. As this is an open deck, there should not be any adverse effects or impact on physical or environmental conditions in the neighborhood. It is far away from the septic and leach field. Storm water runoff will not be affected.

5. *As to whether an alleged difficulty is self-created, the board finds: (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.)*

Since the existing structure was built before the Zoning Ordinance went into effect, the difficulty is not self-created.

PROPOSED MOTION:	A motion was made to grant a variance from Section 6.12 Setback from the Shoreline, Lot Width and Side Yards page 57, for relief of 22 feet into the 50-foot shoreline setback requirement to add a deck that will extend from the existing deck which is set at 28 feet from the mean high-water mark with the new stairs set to the north.		
MOTION MADE BY:	Carol de Mello		
MOTION SECONDED BY:	Peter Sowizdrzal		
MEMBER VOTE:	MEMBER NAME:	YES	NO
	Chairman, Carol de Mello	X	
	Vice Chair, Peter Sowizdrzal	X	
	Anthony Galioto	X	
	Margaret Adkins	Excused	
	Anne Lincoln	X	
SIGNATURE OF ZBA CHAIRMAN:			