



TOWN OF WILLSBORO
ZONING BOARD OF APPEALS

MINUTES
ZONING BOARD OF APPEALS
DATE: November 16th, at 6:00PM
LOCATION: WILLSBORO TOWN HALL

Present: Chairman - Carol de Mello; Board Members: Anne Lincoln, Anthony Galioto, Peter Sowizdrzal

Excused: Margaret Adkins

Members of the Public: Paul Keiley

Chairman de Mello called the meeting to order at 6:00pm.

October 2021 Minutes: No corrections needed. The October 2021 minutes were approved as presented. Galioto stated the minutes looked good to him. A motion was made by Galioto to accept meeting minutes; seconded by Lincoln. All in favor, motion carried.

Public Hearing:

Paul Keiley – 382 Bay Lane – 20.20-1-43.00 – RL-1 – 10' x 16' Backyard Shed

De Mello opened the public hearing at 6:03pm. De Mello stated that there was only one member of the public in attendance. De Mello asked Morgan Denton if there were any correspondences in regards to the Keiley project via phone or mail. Denton stated that Terry Pulsifer, CEO, did receive a phone call from a neighbor stating she was for the project and didn't have any objections.

De Mello asked Paul Keiley to briefly describe his project. Keiley stated that the shed is built by the Amish and it will be 10x16 with shutters and windows with planter boxes as shown in his application. Keiley wanted to compliment the house and will have the same exterior color. Keiley stated that he will be storing his lawn mower and garden tools in the shed. Keiley stated that right now these things are stored in his basement and he would like to move them out of there. Keiley stated that he placed the shed kiddy corner so the shed would look at the main structure; also, due to the grade of the land there, it is more aesthetically pleasing and also provides privacy to the neighbors for their hot tub. Keiley stated that the shed would not look right anywhere else on the property. De Mello asked about the stone wall and if that was on Keiley's property. Keiley stated that there is an opening between the properties and he isn't sure if that stone wall is his or the neighbors but it is most likely on Keiley's property. De Mello asked if Keiley had a chance to measure from the corner of the shed down to the landing and it is about 10-12'. De Mello stated that she and Keiley discussed swinging the shed to be 10' away from the boundary line; however, you then would be cutting off access to the stairs. Galioto stated that if the shed was squared up it would cut off almost half the steps. Keiley stated that if he were to square the shed up to the boundary line that it would not look right on his property and that he is seeking a variance for 7'. Sowizdrzal asked if

years ago they granted a variance on that property when the previous owner was doing an addition and then tore it down. De Mello stated that she probably has that in the records. De Mello stated that when we granted the variance it was probably to grandfather something in. Sowizdrzal stated that he was going to keep the existing structure and add onto it and then he started doing demolition when he didn't have a permit and stated that the previous owner was fined. Galioto stated that if there was a variance granted years ago, that it would not have an impact on this as it is a new building.

De Mello closed the public hearing at 6:17pm.

De Mello stated that she is a visual person and drew a sketch. De Mello stated that half the building falls within the 10' threshold and she stated that she was trying to figure out how substantial the project was. De Mello looked over the deed and she didn't see anything that was in question. De Mello stated that there are five questions on the application and the applicant answers them and then the board members answer and discuss them as well. The board reviewed and discussed all five questions (see attached).

De Mello asked Keiley about the wooden framing being larger than the shed and if it would hold stone for the shed to be level. Keiley stated that the shed is 10x16 and the wood framing is just a little larger than the shed in order for it to sit on. Keiley stated that the shed will be very nice, level and conforming to the land. Keiley also stated that there will not be any concrete – just number 2 stone.

A motion was made by Galioto based on the application submitted and testimony heard that this application for relief of Sections 5.52 – Location of Detached Accessory Building requiring an accessory building may not be less than 10' from the side or rear property line be granted because the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the district, neighborhood, or community. The five factors considered and discussed by the Zoning Board of Appeals have led to the decision to grant a variance of 7' to the side yard requirement of 10'; seconded by Sowizdrzal. All in favor, motion carried. Passed unanimously.

De Mello informed Keiley that the project information will be sent to the APA due to being lakefront property and we should hear back within 30 days.

Old Business: No old business.

New Business: No new business.

A motion was made by Lincoln and seconded by Galioto to adjourn the meeting at 6:43pm. All in favor.

Respectfully Submitted,

Morgan Denton
Secretary for Planning and Zoning Board

**ZBA Area Variance Questions Rev 1
Submitted by Carol de Mello**

Name Paul Keiley **Tax Map #** 20.20-1-43.000

Area Variance Application Number: 2021-95Z **Date of Vote:** 11-16-2021

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:

Other than to have the shed stick built which would probably be considerably more expensive, I find that the location chosen is the most feasible option. The location was chosen with delivery and setup in mind (access is via the neighbor's driveway), and convenience to access the shed for storage of lawnmower and tools, and patio furniture. Also, aesthetics of how it will look on the property in relation to the house, etc. weighs heavily for this location. The lot is oddly shaped and has a steep bank and rock wall as obstacles for placing a prebuilt shed on the lot. Also, if the shed were parallel to the stone wall (boundary), it would block the stairs to the boat house. The lot is also deceptive in appearance of having more land near the street, but much of that land actually is the neighboring property which limits placement, and also the leach field and septic system are in the location near the street.

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 design of the shed chosen fits the character of the neighborhood and rather than be a detriment to the adjoining property, they will probably also enjoy the additional privacy for their hot tub that the shed will provide.

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

The requested relief of 7' for one corner of the shed on a 10' side yard setback requirement is substantial at 70%. Because the shed is being placed at an angle and the other corner will be 12' from the line, about half of the shed is in compliance.

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:

At 10' x 16' there will be no adverse effects on the 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.)

The alleged difficulty is self-created because there may be one or two other options but convenience would probably be lost.

ZBA Area Variance Questions DRAFT
Submitted by Tony Galioto

Name: Paul Keiley

Tax Map 20.20-1-43.000

Area Variance Application Number: 2021-95Z

Date of Vote: 11/16/2021

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: *Based on the desired location for placement of the shed being installed, a variant for 7' to meet side yard setback requirements would be needed.*
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: *Placement of the shed would not have an undesirable change to the neighborhood or nearby properties.*
3. As to whether the requested area variance is substantial, I find that: *The request for the 7' variant is substantial based on the desired location for placement of the shed with 12' at the front end of shed.*
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: *the proposed shed will be a pre-constructed structure designed to be similar to the applicants home, and should not be detrimental to the property, therefore the proposed variant will not have any adverse impact to the neighborhood or district, and will not have any effect on the environmental conditions of the area of property.*
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.) Yes the difficulty requiring the variant is self-created due to the desired location of the shed. The shed can be placed in another part of the property which would not require a variance, however due to the location of access to the water, and convenience to the access of the materials being placed in the shed location that was selected is appropriate.*

ZBA Area Variance Questions DRAFT
Submitted by Pete Sowizdrzal

Name: Paul Keiley

Tax Map # 20.20-1-43.000

Area Variance Application Number: 2021-95Z Date of Vote: 11-16-2021

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:
It cannot. Due to the layout and elevations of the property this is the most beneficial place to put it. It's being used as a storage for the boathouses which are located nearby.
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 will add additional privacy for the neighbor because of where their hot tub is located. The shed is 10' x 16' which is not obstructing the neighbor's view.
3. As to whether the requested area variance is substantial, I find that:
Yes, it is if you only look at that one corner of the shed. The other corner of the shed is 12' which is conforming to the 10' side yard setback. So, looking at the whole picture I feel 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:
It will not. Stormwater drain off will be minimal and where it will be located will not impact 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.)
It is self-created because they want and need a shed for storage but with the layout of the lot it really can't go anywhere else and not cause more issues.

ZBA Area Variance Questions **DRAFT**
Submitted by Anne Lincoln

Name: Paul Keilley

Tax Map #20.20-1-43.00

Area Variance Application Number: 2020-xxV **Date of Vote:** 11/16/2021

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 shed could be placed in the front yard or on the opposite side of the backyard. Turning the shed could also reduce the variances needed but would interfere with the stairs that are present to the boathouse. The applicant has chosen the best spot for the shed considering the other structures and limitations of the property.*

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 create a change in the character of the neighborhood as it is only a small shed designed to match the house. The requested position of the shed is very close to the property line so it could be detrimental to the neighbor, but actually will give them more privacy.*

3. As to whether the requested area variance is substantial, I find that: *Accessory structures need a 10 foot setback. The requested variance is 70% of this setback, so percentage-wise is substantial. However, the building will be at an angle so will only be partially in the setback.*

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: *This will not impact the 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.)
This difficulty is partially self-created as the applicant has chosen the placement of the shed.

FINDINGS OF FACT-REV 2
Submitted by Carol de Mello

Variance Application 2021-95Z-Paul Keiley
October 19, 2021

Property location: 382 Bay Lane, Willsboro (20.20-1-43.000)
Zoning District: RL-1

PROJECT DESCRIPTION:

Install 10' x 16' (160 sq. ft.) backyard shed.-**IMPACTS Section 5.52.1, p 45, Location of Detached Accessory Buildings in Required Yard Area.** Shed is set at an angle to the property line-one corner is 3' from line and other corner is 12' from line. This is more aesthetically pleasing and allows use of the stairs to the boathouse, and affords the neighbors more privacy for their hot tub.

ZONING REQUIREMENTS:

Minimum lot size:	40,000 sq. ft. (original lot size 0.70 acres = 30,492 sq. ft.)
Front yard setback:	50' (in compliance)
Rear* yard setback:	50' (in compliance)
Shoreline* setback:	50' (in compliance)
Side Yard setback:	10' (for accessory structure; requesting 7' relief-one corner)
Maximum Lot Coverage:	15% (4,574 sq. ft., not an issue)
Maximum bldg. height:	35' (N/A)

According to the property record, the buildings and improvements total 2,920 sq. ft., under the 4,574 sq. ft. allowance, and adding 160 sq. ft. still is well below allowance.

*Rear yard setback of 50' is superseded by Shoreline regulations, but in this case they are both the same.

Move to public hearing?-Yes, for November 16, 2021

Need: Deed, measurement to stairs; does it need planning board approval?

DECISION FORM:

BOARD:	Zoning Board of Appeals
DATE OF APPEAL:	November 16, 2021
APPLICATION NUMBER:	2021-95Z
NAME:	Paul Keiley
PROJECT ADDRESS:	382 Bay Lane
TAX MAP NUMBER:	20.20-1-43.000
REQUEST FOR VARIANCE FROM:	Section 5.52.1, p 45, Location of Detached Accessory Buildings in Required Yard Area

PROJECT DESCRIPTION:

Install 10' x 16' (160 sq. ft.) backyard shed set at an angle to the property line—one corner is 3' from line and other corner is 12' from line. This is more aesthetically pleasing and allows use of the stairs to the boathouse, and affords the neighbors more privacy for their hot tub.

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:*

One possibility might be to build the shed on site but that would probably be considerably more expensive. The location was chosen with delivery and setup in mind (access is via the neighbor's driveway), and convenience to access the shed for storage of lawnmower and tools, and patio furniture. Also, aesthetics of how it will look on the property in relation to the house, etc. weighs heavily for this location. The lot is oddly shaped and has a steep bank and rock wall as obstacles for placing a prebuilt shed on the lot. Also, if the shed were parallel to the stone wall (boundary), it would block the stairs to the boat house. The lot is also deceptive in appearance of having more land near the street, but much of that land actually is the neighboring property which limits placement, and also the leach field and septic system are in the location near the street.

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:*

The design of the shed chosen fits the character of the neighborhood and rather than be a detriment to the adjoining property, they will probably also enjoy the additional privacy for their hot tub that the shed will provide. It will not obstruct the neighbors' views of the lake.

3. *Is the requested area variance substantial?*

The requested relief of 7' for one corner of the shed on a 10' side yard setback requirement is substantial at 70%. Because the shed is being placed at an angle and the other corner will be 12' from the line, about half of the shed is in compliance.

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:*

At 10' x 16' there will be no adverse effects on the physical or environmental conditions in the neighborhood. Storm water drain off will be minimal and where it will be located will not impact the neighborhood.

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.)*

The alleged difficulty is self-created because there may be one or two other options but convenience would probably be lost. They want and need a shed for storage but with the layout of the lot it really can't go anywhere else and not cause more issues.

PROPOSED MOTION:	<i>A motion was made by Galioto based on the application submitted and testimony heard that this application for relief of Sections 5.52 – Location of Detached Accessory Building requiring an accessory building may not be less than 10’ from the side or rear property line be granted because the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the district, neighborhood, or community. The five factors considered and discussed by the Zoning Board of Appeals have led to the decision to grant a variance of 7’ to the side yard requirement of 10’.</i>		
MOTION MADE BY:	Anthony Galioto		
MOTION SECONDED BY:	Pete Sowzdrzal		
MEMBER VOTE:	MEMBER NAME:	YES	NO
	Chairman, Carol de Mello	X	
	Vice Chair, Peter Sowzdrzal	X	
	Anthony Galioto	X	
	Margaret Adkins	Excused	
	Anne Lincoln	X	
SIGNATURE OF ZBA CHAIRMAN:			