



TOWN OF WILLSBORO  
ZONING BOARD OF APPEALS

MINUTES  
ZONING BOARD OF APPEALS  
DATE: May 17<sup>th</sup>, 2022 at 6:00PM  
LOCATION: WILLSBORO TOWN HALL

**Present:** Chairman – Peter Sowizdrzal; Board Members: Anne Lincoln, Carol DeMello, Susan Mueller

**Excused:** Anthony Galioto

**Members of the Public:** Jeffrey Bigelow, Trisha Sheehan, Philip Moore, Lorilee Sheehan, Travis Sheehan, Gregory Gordon, Mark Thomson

Chairman Sowizdrzal called the meeting to order at 6:04pm.

**April 2022 Minutes:** DeMello asked that the word road be changed to driveway in the discussion for Cardinale. DeMello stated that if no one answered Bigelow's question that the minutes should state that no one answered his question. DeMello also stated that on the third page, second paragraph clarifying the distance from the water to the building for the Moore's project. *Lincoln made a motion to approve the minutes with the changes, seconded by DeMello. All in favor, motion carried.*

**Public Hearing:**

**Joseph & Judy Cardinale – 323 Corlear Drive – 11.17-1-52.000 – RL-1 – Demolition of existing camp and replacing the new larger structure**

Sowizdrzal opened the public hearing at 6:12pm. Sowizdrzal stated that there was comment from Rebecca Palmer in favor of the project. No other members of the public were present for this project.

Sowizdrzal stated that he measured and the north property line is about 31' from the house and on the other side based on the new structure it would be 41' from the property line. Trisha Sheehan stated that she would refer to the boards measurements as long as everything totals 100'.

DeMello asked if the ice shanty was Joselyn's or Cardinale's. Sowizdrzal stated that he thought it was Joselyn's as it resembled their home.

Sowizdrzal stated that all he and the board are doing is changing the amount of relief the applicant needs for the side yard setbacks.

Sowizdrzal asked if there was power to the existing structure. Bigelow stated that it has been lived in, therefore he believes there is power, and there is a new septic and new roof. Sowizdrzal stated that there was a power pole laying on the ground and DeMello stated that it was a new power pole.

Lincoln asked if there was going to be new drainage or a new septic installed. Trisha Sheehan stated that they would tie into the current septic. Trisha Sheehan also stated that the measurement from the south east corner to the end of Corlear Drive is 59'.

DeMello asked what the right of way is on Corlear Drive. DeMello stated that some of the town roads have different right of ways. Greg Gordon stated that on the point there is no right of way and that the Hatch's own the road, therefore the property line goes to the end of the road. DeMello stated that she argues that because the town maintains those roads. Discussion followed.

Sowizdrzal stated that the applicant would need a relief of 17' on the south side and 11' on the north side. Trisha Sheehan stated that those are the measurements she provided to the board but the board had come up with different measurements. Sowizdrzal stated that Trisha Sheehan was correct in her measurements she provided, Sowizdrzal was stating what the applicant needed for a relief. Discussion followed.

DeMello stated that she had asked for plans at the last meeting. Trisha Sheehan stated that the applicant is not going to invest in blue prints until they receive the variance. DeMello asked if it would be the same rectangle and same height that the existing structure is and Trisha Sheehan confirmed it would be.

Sowizdrzal asked if anyone else had any public comment and if the board had any questions.

Sowizdrzal closed the public hearing at 6:37pm.

The board reviewed the five questions. Discussion followed.

***A motion was made by DeMello based on the application submitted and testimony heard that this application for relief of Section 4.10, Schedules of Use and Area Regulations, and Section 4.43.2, Nonconforming Structures be granted because the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the district, neighborhood, or community by approval of the variance, to reach this conclusion I have considered the five factors discussed and considered by the Board. Specifically, grant a variance for relief of 19' on the north side (structure at 32') and 9' feet on the south side-yard boundary (structure at 31') where 50' is required, seconded by Sowizdrzal. All in favor, motion carried.***

**Philip & Betsy Moore – 41 Rowley Way – 21.13-1-20.000 – RL-1 – Remove & replace old summer camp with 2-bedroom home**

Sowizdrzal stated that the board received the additional information from the applicant that they requested.

Sowizdrzal opened the public hearing at 6:49pm. Morgan Denton stated that she did not receive any public comment.

The board reviewed measurements with the applicant based on the site plan he provided. DeMello asked the applicant if he didn't shift the building due to the septic. Moore stated that the septic is relatively close and he didn't want to encroach on the septic. Moore stated that the corner of the existing garage is on the property line but he is not asking to do anything with that right now. Sowizdrzal asked if the shed and the garage are on the property line. Moore confirmed that there is one corner that is on the property line.

DeMello stated that Moore would need 24' relief on the south side.

The board reviewed measurements with the applicant as well as Mark Thomson. Thomson expressed that a lot of trees have been taken down, lots of fill has been brought in and now all of the ground water is going onto his property. Thomson also stated that Moore installed four camper hooks. Thomson feels that all of these changes have resulted in a different in the neighborhood. Moore stated that those issues that Thomson has brought up are not what Moore is in front of the Zoning Board of Appeals for. Thomson asked if what he has done to this point doesn't make a difference. DeMello asked Thomson if he was unhappy with the project. Thomson stated that he is not unhappy with the project, just unhappy with what Moore has done.

Sowizdrzal closed public hearing at 7:05pm.

The board reviewed the findings of facts. Discussion followed. The board was in agreement with all of the findings of facts. The board reviewed the five questions. Discussion followed.

***A motion was made by DeMello based on the application submitted and testimony heard that this application for relief of Section 4.10, Schedules of Use and Area Regulations, and Section 4.43.2, Nonconforming Structures be granted because the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the district, neighborhood, or community by approval of the variance, to reach this conclusion I have considered the five factors discussed and considered by the Board. Specifically, a variance for relief of 24' on the south side-yard setback (new structure will be located at 16'); also, per Section 4.43.2, a variance for a larger structure than the current footprint, seconded by Mueller. All in favor, motion carried.***

Moore asked what the next step was. Morgan Denton explained to him that he will need to go in front of the Planning Board and explained that Moore will need to see Terry Pulsifer Jr to fill out the application needed and it will need to be completed by June 15<sup>th</sup> to make it on the June Planning Board agenda.

**Old Business: No old business.**

**New Business:**

**Lorilee Sheehan – 127 Corlear Drive – 21.5-2-52.000 – RL-1 – Add living space to the front of the home to occupy where the original enclosed porch occupied, which is now a deck**

Sowizdrzal asked if Lorilee Sheehan would like to explain her project. Lorilee Sheehan stated she is looking to put on an all-season room where the pre-existing sunroom was located. Lorilee Sheehan

stated that when they remodeled, they had removed the sunroom and added a bedroom upstairs. Lorilee Sheehan explained that the existing deck is in need of an upgrade and the unnatural step going into her home is probably not to code and would like to bring that up to code and more accessible.

DeMello summed up project. DeMello asked if the original walkway is going to be enlarged. Greg Gordon stated that it will not be. DeMello asked if the applicant would be encroaching more to the water. Lorilee Sheehan stated she would not be.

Sowizdrzal asked if the lot coverage was currently at 3441 square feet. Gordon stated that it depends on who's numbers you go by. Gordon stated that the county, Terry Pulsifer, Gordon and the Zoning Board of Appeals all have different numbers. Much discussion followed.

Sowizdrzal stated that with waterfront property you can gain and lose property due to the high-water mark. Sowizdrzal stated that the retaining wall is part of lot coverage. Gordon disagreed and stated he has not ever seen that on a project before. DeMello stated that if the retaining wall is more than 100 square feet than it is part of the lot coverage. DeMello stated that the board should go back to what was said in 2017.

Gordon asked who makes the final decision on measurements. Sowizdrzal stated that he spoke with Terry Pulsifer Jr and he agreed with Sowizdrzal's measurements. Discussion followed.

Lincoln asked if the board could grant the variance with certain measurements in it without defining the exact percentage of lot coverage. DeMello stated that she was not sure if they could do it that way.

Mueller asked if porches were included as living space, as she didn't think they were included. DeMello stated that she thought patios should not be covered because it is part of the ground and that was determined in 2017.

After much discussion, DeMello asked if the applicant and the board were comfortable using 1078 square feet. Everyone agreed. Mueller stated that she thinks the decision should go by what the deed states. DeMello agreed. Lincoln stated that it would be easier to go with what the deed states however, Lincoln is worried about what the APA will say.

Gordon stated that a JIF has already been submitted to the APA.

Much discussion continued in regard to what measurements to use.

DeMello confirmed with Lorilee Sheehan that she is not installing a pool. Lorilee Sheehan stated she is not installing a pool.

The board reviewed the findings of the facts. Discussion followed.

A motion was made by Susan Mueller to move this application to a public hearing on June 21<sup>st</sup>, 2022 at 6pm at the town hall, seconded by Sowizdrzal. All in favor, motion carried.

Lorilee Sheehan thanks the board for their hard work over the years and knows how much time and work they put in. DeMello stated that a stipend would be nice. Mueller explained that in a town in a different state they offered a reduction on their property taxes for volunteering on boards.

***A motion was made by Sowizdrzal and seconded by Mueller to adjourn the meeting at 8:26pm. All in favor, motion carried.***

Respectfully Submitted,

Morgan Denton  
Secretary for Planning and Zoning Board

DRAFT

FINDINGS OF FACT--Draft  
Submitted by: Pete Sowizdrzal

Variance Application 2022-109-Z (Joseph & Judy Cardinale)  
April 19, 2022 Revised May 17, 2022

Property location: 323 Corlear Dr (Tax#: 11.17-1-52.000)  
Zoning District: RL-1 (Residential - Low Density)

PROJECT DESCRIPTION: Demolition of Existing Camp (approx. 19' x 40') and replacing it with a 28' x 40' camp with 28' x 8' deck on the west side.

**-IMPACTS Section 4.43 -2, pg. 37 -Nonconforming Structures on Existing Lots.** Structures that do not meet the setback or lot coverage requirements set forth in this law may be continued, but if the owner desires to tear down and replace such structure, every reasonable effort should be made to make the new structure conform to the setback and lot coverage requirements set forth in this law. If the new structure location cannot be made more conforming, then the owner may rebuild the same size structure (meaning no larger than the three-dimensional foot print of the existing structure) in the same foot print as the existing structure, without a zoning variance. If the owner desires to increase the size of the existing three-dimensional foot print by building higher or wider or deeper than the existing structure, then a zoning variance is required.

**-IMPACTS Section 4.10 pg. 29 - Schedules of Use and Area Regulations.**

ZONING REQUIREMENTS:

Minimum Lot Size:	40,000 sq ft. (0.3 acres - 13,068 sq. ft.)
Front Yard Setback	50' (52' - In compliance)
Shoreline Setback:	50' (N/A)
Rear Yard Setback:	50' (50' In Compliance)
*Side Yard Setbacks:	50' (South side Relief of 17' - North side Relief of 11')
Side Yard Setbacks:	50' (South side Relief of 9' - North side Relief of 19')
Maximum Lot Coverage:	15% (Not an Issue) 15%= 1,960 sq. ft.-New Build = 1,344 sq. ft.
Maximum Bldg. Height:	35' (Not an Issue)

\*Side yard setback of 50' is not superseded by Shoreline regulations.

**Ruling:**

Motion?

FINDINGS OF FACT-REV 3  
Submitted by Carol de Mello

Variance Application 2022-109Z-Cardinale, Joseph & Judy  
May 17, 2022

Property location: 323 Corlear Dr., Willsboro (11.17-1-52.000)  
Zoning District: RL-1

PROJECT DESCRIPTION:

Demolition of existing camp (approximately 19' x 40') and replacing it with a 28' x 40' camp with a 28' x 8' deck on the west side. **IMPACTS Section 4.10, p. 29, Schedules of Use and Area Regulations, and Section 4.43.2, p. 37, Nonconforming Structures.** Specifically, 50' side-yard setback requirement cannot be met. Require variance of 19' on the north side and 9' feet on the south side. Variance required per Section 4.43.2 because new structure is larger and not the same footprint as the original.

ZONING REQUIREMENTS:

Minimum lot size:	40,000 sq. ft. (original lot size 0.30 acres = 13,068 sq. ft.)
Front yard setback:	50' (in compliance)
Rear yard setback:	50' (in compliance, moved east to accommodate 8' deck)
Side Yard setback:	50' (need relief of 19' on north side & 9' variance on south)
Maximum Lot Coverage:	15% (1,960 sq. ft.; not an issue)
Maximum bldg. height:	35' (not an issue)

According to the application, the proposed structure (1120 sq. ft.) and deck (224 sq. ft.) total 1,344 sq. ft. which is under the 1,960 sq. ft. allowance.

Questions:

What is the distance to the property line from the proposed deck? 92' was stated at the meeting (4-19-2022) based on a property depth of 220'. UPDATE: Tax map measurements are 155' on north side, 120' along the road (east), 100' on south side, and 100' on the west side. Above variance calculations were made after Pete, ZBA chair, and I measured and reported to CEO on 5-16-2022.

Where are the plans? May meeting--the plans won't be commissioned until variance is granted. The proposed structure will be contained as drawn in the proposed footprint and be the same height.

Note added 4-22-2022: According to the GIS map, I got measurements of the lots lines as 154.50' on the north; 116' on the east (Corlear Dr.); 103.54' on the south; 98.30' on the west bordering their lakefront lot. I have emailed this information to the Board and asked Terry and Pete to somehow verify this.

FINDINGS OF FACT-REV 1  
Submitted by Tony Galioto

Variance Application 2022-109Z-Cardinale, Joseph & Judy  
April 19, 2022

Property location: 323 Corlear Dr., Willsboro (11.17-1-52.000)  
Zoning District: RL-1

PROJECT DESCRIPTION:

Demolition of existing camp and rebuild new camp. Existing camp is 19'x40' and proposed new building is 28'x40', with a new 28'x8' deck on west side of building.

IMPACTS SECTIONS:

Section 4.10 p. 29 & 4.43 #2 p. 37 Schedules of Use and Area Regulations.

Additional info: Larger structure being built on existing small lot causing a nonconforming situation requiring a variance, and a side yard setback variance requirement. Require build prints..

ZONING REQUIREMENTS:

Minimum lot size:	40,000 sq. ft.
Front yard setback:	50'
Rear yard setback:	50'
Side Yard setback:	50' Relief of 17' south and 11' north
Maximum Lot Coverage:	15% 1960.2 sq ft (not an issue)
Maximum bldg. height:	35'

According to the property record, the buildings and improvements total 616.2 sq ft under the 1920.2 sq ft allowance. Total new lot coverage 1344 sq ft.

Questions:

What is the distance to the property line from the proposed deck? 92' was stated at the meeting based on a property depth of 220'.

Where are the plans? The plans are in progress.

Is a survey available? Sheehan's not sure, but will check.

Moved to a public hearing on May 17, 2022.

FINDINGS OF FACT--Draft  
Submitted by: Pete Sowizdrzal

Variance Application 2022-110-Z (Philip and Betsy Moore)  
April 19, 2022

Property location: 41 Rowley Way (Tax#: 21.13-1-21.000)  
Zoning District: RL-1 (Residential - Low Density)

PROJECT DESCRIPTION: Remove and Replace Old Summer Camp with 3 Bedroom Year Around Home.

**-IMPACTS Section 4.43 -2, pg. 37 -Nonconforming Structures on Existing Lots.** Structures that do not meet the setback or lot coverage requirements set forth in this law may be continued, but if the owner desires to tear down and replace such structure, every reasonable effort should be made to make the new structure conform to the setback and lot coverage requirements set forth in this law. If the new structure location cannot be made more conforming, then the owner may rebuild the same size structure (meaning no larger than the three-dimensional foot print of the existing structure) in the same foot print as the existing structure, without a zoning variance. If the owner desires to increase the size of the existing three-dimensional foot print by building higher or wider or deeper than the existing structure, then a zoning variance is required.

**-IMPACTS Section 4.10 pg. 29 - Schedules of Use and Area Regulations.**

ZONING REQUIREMENTS:

Minimum Lot Size:	40,000 sq ft. (0.83 acres - 36,155 sq. ft.)
Front Setback	50' (In compliance)
Shoreline Setback:	50' (52' - In Compliance)
Rear Yard Setback:	50' (50' In Compliance)
*Side Yard Setback:	40' (North 60' - In Compliance - South 16' - Needs relief of 24')
Maximum Lot Coverage:	15% (Not an Issue)
Maximum Bldg. Height:	35' (Not an Issue)

\*Side yard setback of 50' superseded by Shoreline regulations, but in this case, they are different based on frontage. Frontage is 170' which is 40' side yard setback.

**Ruling:**

Motion? **Move to Public Hearing**

FINDINGS OF FACT-REV 1  
Submitted by Carol de Mello

Variance Application 2022-110Z-Moore, Philip & Betsy  
April 19, 2022

Property location: 41 Rowley Way, Willsboro (tax map nos.)  
Zoning District: RL-1

PROJECT DESCRIPTION:

Remove and replace old summer camp with two-bedroom home.—IMPACTS Section 4.10, p. 29, Schedules of Use and Area Regulations, and Section 4.43.2, p. 37, Nonconforming Structures. Specifically, a variance may be needed for the Shoreline setback of 50'; new structure will be at the existing location of 41' from the mean high water mark (99.8'). Also, per Section 4.43.2, a variance is required because new structure is larger and not the same footprint as the original.

ZONING REQUIREMENTS:

Minimum lot size: 40,000 sq. ft. (original lot size 0.85 acres = 37,026 sq. ft.)  
Front/street yard setback: 50' (in compliance)  
Shoreline\* setback: 50' (possible variance of 9' if cottage is located at existing 41')  
Side Yard setback: 40' (185' lake frontage)  
Maximum Lot Coverage: 15% (5,554 sq. ft.—not an issue)  
Maximum bldg. height: 35' (not an issue)

According to the proposed plan, the new home (2,422 sq. ft.) and improvements (garage from property record—420 sq. ft.) total 2,842 sq. ft., which is under the 5,554 sq. ft. allowance.

Proposed changes made at the 4-19-2022 ZBA meeting based on survey map of the septic system:

Minimum lot size: 40,000 sq. ft. (original lot size 0.80 acres = 34,848 sq. ft.)  
Front/street yard setback: 50' (in compliance)  
Shoreline\* setback: 50' (in compliance if existing cottage is at 52')  
Side Yard setback: 40' (170' lake frontage)  
Maximum Lot Coverage: 15% (5,227 sq. ft.—not an issue)  
Maximum bldg. height: 35' (not an issue)

\*Rear yard setback of 50' is superseded by Shoreline regulations.

Need more measurements—side yards? Asked the homeowner to provide more detailed measurements.

Move to public hearing?—Yes,

FINDINGS OF FACTS - REV 1  
Submitted by: Tony Galioto

Variance Application 2022-110-Z (Philip and Betsy Moore)  
April 19, 2022

Property location: 41 Rowley Way (Tax#: 21.13-1-21.000)  
Zoning District: RL-1 (Residential - Low Density)

PROJECT DESCRIPTION: Demolition of existing camp and rebuild a 2 bedroom 4 season home. New home to be built with 2,431.52 sq ft.

-IMPACTS Section 4.43 -2, pg. 37 -Nonconforming Structures on Existing Lots.

-IMPACTS Section 4.10 pg. 29 - Schedules of Use and Area Regulations.

Additional info: Larger structure being built on existing small lot causing a nonconforming situation requiring a variance, and a side yard setback variance requirement. Require build prints..

ZONING REQUIREMENTS:

Minimum Lot Size:	40,000 sq ft.
Front Setback	50'
Shoreline Setback:	52'
Rear Yard Setback:	52'
*Side Yard Setback:	40'
Maximum Lot Coverage:	15% 5227.2 sq ft (not an issue)
Maximum Bldg. Height: 35'	(not an issue)

According to the property record, the buildings and improvements total 2,795.65 sq ft, under the 5227.2 sq ft. Total new lot coverage 2,431.52 sq ft

Moved to a public hearing on May 17<sup>th</sup>, 2022.

FINDINGS OF FACT--Draft  
Submitted by: Pete Sowizdrzal

Variance Application 2022-114-Z (Lorilee Sheehan)  
May 17, 2022

Property location: 127 Corlear Dr (Tax#: 21.5-1-52.000)  
Zoning District: RL-1 (Residential - Low Density)

PROJECT DESCRIPTION: Add living space to the front of the home (lakefront) to occupy where the original enclosed porch occupied which is now a deck. In addition, the plan is to remove the wooden deck which is need of extensive repair due to age and the environment. This would allow us to reduce the step height for ease of entry to the home for safety concerns.

-IMPACTS Section 6.12 -1. Setback from the shoreline. RL-1 building setback is 50'. Requesting relief of 26'

-IMPACTS Section 4.10 pg. 29 - Schedules of Use and Area Regulations. Lot coverage is 15%. Undersized lot.

ZONING REQUIREMENTS:

Minimum Lot Size: 40,000 sq ft. (.53 acres - 23,100 sq. ft.)  
Front Yard Setback 50' (52' - In compliance)  
Shoreline Setback: 50' (Current 32.1' - to 24') - Back to original footprint.  
Rear Yard Setback: 50' (50' In Compliance)  
\*Side Yard Setbacks: 20' ( In Compliance)  
Maximum Lot Coverage: 15% (New lot coverage is 3917 sq. ft. = 16.96%)  
Maximum Bldg. Height: 35' (Not an Issue)

\*Side yard setback of 50' is superseded by Shoreline regulations.

Ruling:

Motion?

FINDINGS OF FACT--Draft  
Submitted by Carol de Mello

Variance Application 2022-1xxZ--Lorilee Sheehan  
May 17, 2022

Property location: 127 Corlear Drive, Willsboro (21.5-1-52.000)  
Zoning District: RL-1

PROJECT DESCRIPTION:

Add a sun room to the front of the home to be built where the original enclosed porch was located which is currently an open deck. Additionally, the deck on the south side of the home will be removed and replaced with a larger, covered patio (one section will have a solid roof, another section will have a pergola; and the "ground level" patio will have two different heights and expand beyond the current structure to the north. It will include an outdoor kitchen covered by a solid roof and a covered walkway along the existing wing on the north side of the home. In addition, the open deck on the south side of the existing structure will be rebuilt and covered with a solid roof.--IMPACTS Section 4.10, p. 29, Schedules of Use and Area Regulations and Section 6.12, p. 57, Setback from the Shoreline. There will be no further encroachment into the shoreline setback as compared to the original camp.

ZONING REQUIREMENTS:

Minimum lot size: 40,000 sq. ft. (original lot size 0.53 acres = 23,100 sq. ft.--survey)  
Front yard setback: 50' (N/A in this case; variance granted for garage 1999)  
Shoreline setback: 50' (need relief of 26'; new wall at 24'--same as original camp)  
Side Yard setback: 20' (100' lake frontage, in compliance)  
Maximum Lot Coverage: 15% (currently at 17.7%; project will increase to 22.4%)  
Maximum bldg. height: 35' (not an issue)

According to the property record, the buildings and improvements total 4,101 sq. ft., over the 3,465 sq. ft. allowance.

From 2017: Calculations of lot coverage according to Willsboro Zoning Law are as follows:

Two story main dwelling and surrounding deck (55'x46'*):	2,530 sq. ft.
One story cottage (16.1'x16.2')	261
Cottage deck (8'x16')	128
Overhanging roof--cottage storage (9'x16')	<u>144</u>
SUBTOTAL	3,063
Three bay garage (30.2'x34.4')	<u>1,038</u>
TOTAL APPROXIMATE SQUARE FOOTAGE	4,101

4,101 minus 3,465 = 636 sq. ft. over lot coverage or 17.7% lot coverage. A variance was granted for the 3-bay garage in 1999 for lot coverage. Since driveways and basketball courts are not included in lot coverage, the 49% lot coverage as calculated by AEDA Engineering is not relevant.

\*From 2017 calculations: Not all of the unusually shaped deck appears on the Property Tax Card, so an approximation has been made from the site plan submitted. The total calculations from the property card are 2,025 square feet.

From 05-17-2022 meeting: Greg's calculation of 12.29% lot coverage did not include the current decks which are to be counted when calculating lot coverage whether or not they are covered (see Definitions). Nothing has changed since 2017, so my calculation of 4,101 square feet of lot coverage still stands. That makes the current lot coverage 17.7%; project will add 1,078 sq. ft. to the lot coverage which equals

Old square foot total: 4,101  
Proposed addition: 1,078  
Total lot coverage: 5,179

Allowed 15%: 3,465 sq. ft.

Current: 4,101 divided by 23,100 lot size = 17.7%

Proposed: 5,179 divided by 23,100 lot size = 22.4%

An increase of 4.7%; and 7.4% above lot coverage allowance.

DRAFT

**ZBA Area Variance Questions DRAFT**  
**Submitted by Pete Sowizdrzal**

Name: Joseph & Judy Cardinale

Tax Map # 11.17-1-52.000

Area Variance Application Number: 2022-109Z

Date of Vote: May 17, 2022

**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:  
**They could not. This is an existing undersize lot in size and width. The lot is 100' wide with side yard setbacks of 50'. The surrounding properties are all in the same situation on "The Point". They are increasing the width of the new structure by 8' so it can accommodate new building requirements.**
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 not. It will produce a positive character to the neighborhood. With the new structure keeping the existing structure design and only increasing the width by 8' it will not be a detriment to the neighbors and will be minimal.**
3. As to whether the requested area variance is substantial, I find that:  
**It is not. This is an existing undersize lot. Since the new structure will be the same length and the north side yard setback will be the same the only change will be the south side 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:  
**It will not. It will improve the physical conditions by having a new structure with current building codes and improve the character of 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 only self-created because the existing structure needs to be improved. With new building codes the structure needs to be wider.**

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

Name: Joseph and Judy Cardinale

Tax Map #11.17-1-52.000

Area Variance Application Number: 109-Z

Date of Vote 5/17/22

**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 applicant could build in the existing footprint. However, this would not meet the applicant's need for a larger camp for their family. It also would be difficult to build on the same footprint and meet current building codes.*
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 new structure will be larger than the current camp, but should not change the character of the neighborhood as the structure will be an upgrade and will enhance the appearance of the neighborhood.*
3. As to whether the requested area variance is substantial, I find that: *This is a relatively narrow lot with one diagonal property line so any new larger structure would need a side yard variance. the total amount requested for both side yards is 28' which is over 25% of the required 100 ' total for both sides. However, this request is not substantial compared to the position of the current structure, with only an additional 9' requested.*
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: *There is a newer septic system that will be used for the new structure. The project should not have an adverse effect on the physical or environmental conditions.*
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 alleged difficulty is somewhat self created as the applicant wants a larger structure on a narrow lot. However, the lot is too narrow to meet the side-yard setbacks for any structure.*

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

Name Joseph & Judy Cardinale Tax Map # 11.17-1-52.000

Area Variance Application Number: 2022-109Z Date of Vote: 05-17-2022

**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 most feasible and cost-effective way to enjoy the benefits of the property during their vacations is to replace the whole structure and bring it up to code rather than try to repair the many deficits.

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:

Other than being wider by 8' and longer by 8' if a deck is added to the west side, the proposed structure will be similar to what is currently there and in character with the neighborhood. There will be no additional height.

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

The requested variances are as follows: 19' on the north side and 9' feet on the south side. These are all minimal amounts from what currently exists. It makes sense to have the structure be off-center and closer to a wooded area and an existing vacant lot. I don't think the requested setback variances are 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:

The additional size will be offset by modern building practices and proper drainage which should have no adverse effects or impact on the physical or environmental conditions.

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.)

I believe the alleged difficulty is self-created in that the current structure was moved to the property around the year 2000 and the Zoning Ordinance was in effect at the time. Apparently, it was allowed to be placed there without seeking a variance for the setbacks.

**Motion:**

Motion is made based on the application submitted and testimony heard that this application for relief of Section 4.10, Schedules of Use and Area Regulations, and Section 4.43.2, Nonconforming Structures be granted because the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the district, neighborhood, or community by approval of the variance, to reach this conclusion I have considered the five factors discussed and considered by the Board. Specifically, grant a variance for relief of 19' on the north side (structure at 32') and 9' feet on the south side-yard boundary (structure at 31') where 50' is required.

**Possible conditions or limitations: None**

**ZBA Area Variance Questions DRAFT**  
**Submitted by Pete Sowizdrzal**

Name: Philip & Betsy Moore

Tax Map # 21.13-1-21.000

Area Variance Application Number: 2022-110Z

Date of Vote: May 17, 2022

**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:  
**They could not. This is an existing undersize lot. The new structure will not encroach more into any of the setbacks that already exist.**
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 not. It will produce a positive character to the neighborhood. This property is secluded and only a few properties can see the property and they won't be affected.**
3. As to whether the requested area variance is substantial, I find that:  
**It is not. This is an existing undersize lot. The footprint of the new structure will only affect the south side yard setback by 8'.**
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 will improve the physical conditions by having a new structure with current building codes and improve the character of 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 does not. They want to have a four-season residence and the layout of the existing structure is not conducive of new building regulations.**

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

Name: Philip and Betsy Moore

Tax Map # 21.13.1.20.000

Area Variance Application Number: 110-Z Date of Vote 5/17/22

**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 proposed structure will be larger than the current structure as the applicant wants to build a four-season structure. Due to the position of the septic system, it is not feasible to move the structure closer to the center of the lot.*
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 project will improve the appearance of the neighborhood. However, one neighbor has found some difficulty with previous changes to the property which could be addressed by the owner.*
3. As to whether the requested area variance is substantial, I find that: *this project needs a 24' relief on the south side. This is more than half of the required side-yard setback, but only 8 additional feet from the current structure.*
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 owner has recently installed a new raised mound septic system and new French drains which should improve any environmental conditions in the neighborhood. One neighbor has indicated that he now has an increase in water on his property, so this needs to be addressed.*
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 partly self-created as the septic system could have been placed with variances in mind and the need for a variance could be reduced in the new structure by moving it closer to the center of the lot.*

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

Name Philip & Betsy Moore Tax Map # 21.13-1-20.000

Area Variance Application Number: 2022-110Z Date of Vote: 05-17-2022

**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:

In order to enjoy the benefits of retirement and living here year-round, the only feasible solution is to tear down this very old camp and rebuild a new structure which would provide not only the comforts of a well-insulated structure, but also important upgrades to plumbing and electrical.

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:

Based on the designs presented, the new structure and its placement will be an enhancement to the neighborhood.

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

The requested relief of 24' on a 40' side-yard regulation is substantial at 60% by the numbers. However, when considering the placement on the lot and that the house will be placed closer to a densely wooded lot where the neighbors are not visible, it seems not substantial from that perspective.

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 new structure and improvements will have a positive effect on the physical and environmental conditions with new drainage and the new septic system that was already installed.

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.)

I think the difficulty is self-created as some forethought as to the placement of the septic tanks could have prevented the need for the side-yard variance. However, a variance would still be needed in regards to the expansion and there's no way around those APA Shoreline Regulations.

**Motion:**

Motion is made based on the application submitted and testimony heard that this application for relief of Section 4.10, Schedules of Use and Area Regulations, and Section 4.43.2, Nonconforming Structures be granted because the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the district, neighborhood, or community by approval of the variance, to reach this conclusion I have considered the five factors discussed and considered by the Board. Specifically, a variance for relief of 24' on the south side-yard setback (new structure will be located at 16'); also, per Section 4.43.2, a variance for a larger structure than the current footprint.

**Possible conditions or limitations: None**