



TOWN OF WILLSBORO
LOCAL GOVERNMENT OFFICES

ZONING BOARD OF APPEALS MEETING
TUESDAY, SEPTEMBER 15TH, 2015 AT 7:00PM
WILLSBORO TOWN HALL

CALL TO ORDER: Bruno

MINUTES:

Corrections from Ms. deMello are attached to the minutes.

Additionally, Ms. Paye noted that on the last page, second sentence it should state that the garage is not desired in the rear yard due to the existing placement of the garden.

Motion: (Paye/Sowizdrzal) All voted in favor to approve the minutes as corrected.

NEW BUSINESS:

2527 - Estate of Winnifred Shannon - 10 Park Place - 21.13-2-73.000/21.13-2-74.000 - RL-1 - Variance from front yard setback requirements

The applicant's representative, Jason Jaquish, stated that the proposed addition is less than 50 feet from the front yard and less than 50 feet from the side yard. Mr. Sowizdrzal noted that they own a 50 foot strip to 'Sandy Beach'. The board confirmed that the application was sent to the board because of front yard setback requirements. Mr. Jaquish noted that the applicant has proposed to combine an adjacent lot with his existing lot which may eliminate the side yard setback requirements, but would still require a front yard setback variance. The board discussed the dimensions of the two lots, noting that combined the applicant is just shy of the lot size needed, but that the house lot is a pre-existing non-conforming lot. It was also noted that the addition of the adjacent lot would make the property and project more conforming.

The board asked for a to-scale site plan with the existing house and proposed addition depicted. The board noted that the applicant will need to combine the lots. It was noted that if approved, the variance could be conditioned to state that the lots must be combined to finalize the approval.

The board asked for the property record card and the deed descriptions. It was noted that the variance would be for relief from front yard setback requirements. Discussion took place regarding the existing side yard setback and the proposed combined lot setback. Ms. Paye asked if a new septic was needed. Mr. Rock stated that that will need to be evaluated by an engineer. Ms. deMello asked for verification as to whether there were any other variances on the property. Mr. Bruno noted that the septic will need to be evaluated as well – he indicated that if it is deemed inadequate a perc test will need to be done. The board asked for elevation dimensions and floor plans.

Chairman Bruno asked when the applicant would like to start this project. Mr. Jaquish commented that they would like to begin as soon as they are able.

Motion: (Bruno/Sowizdrzal) All voted in favor to move the case to public hearing.

PUBLIC HEARING:

2521 - Lanny Bruno - 52 Frisbie Road -21.9-4-25.000 -RM-M -Variance from accessory structure location requirements (rear yard)

Mr. Bruno explained that he was told that he had to join the lots together for this project. Mr. Sowizdrzal asked if the garage would be equal to the house. Mr. Bruno noted that the garage will be parallel to the house, but will be 60 feet from the house. Ms. deMello asked if the frost wall measurement was separate from the wall height. Mr. Bruno explained that from the ground level the wall will be 9 feet. Ms. Paye asked about the drainage situations. Mr. Bruno noted that the drainage issues are located on his original property not the one that he just added on to it. He noted that his lot is all clay which dampers efficient drainage. Additionally, Mr. Bruno noted that the road culverts are heaved and the connection is not level. Mr. Bruno noted that the garage is proposed to be located 17 feet off from the west property line. Ms. deMello noted that there really are not any dimensional issues. Mr. Bruno noted that it is just an issue of the placement.

Public hearing opened.

No comment was made as there was no public in attendance. One letter was received from the Gossons at 55 Frisbie Road which indicated that they do not have any concerns with the applicant's request.

Public hearing closed.

Chairman Bruno asked about the storm water runoff plan. The applicant noted that he would be installing a 'French drain'. Chairman Bruno noted that the Town should really be working on improving drainage in that area. Chairman Bruno confirmed that a bedroom would not be installed above the garage. Mr. Lanny Bruno noted that a bedroom would not be installed, but that the middle section would be made to permit storage. Ms. deMello confirmed that the height would be 17.5 feet. The board asked about the garage layout.

OLD BUSINESS:

2521 - Lanny Bruno - 52 Frisbie Road -21.9-4-25.000 -RM-M -Variance from accessory structure location requirements (rear yard)

Area Variance Criteria

1. *How could the benefit not be achieved by any other feasible means?*

Discussion: Ms. deMello referred to her written comments (attached). Ms. Paye noted that even if the structure is placed at the back of the property it still would not be behind the house. Chairman Bruno stated that it is not feasible for the applicant to place the garage in the rear yard as there is not enough space in the rear yard to accommodate it.

Findings of Fact:

Property located in RM-M Residential Medium Density Mobile Homes District

Minimum lot size: 10,000 sq. ft. subject property is approximately 22,850 sq.ft.

Front yard setback: 20'; subject property is 65' as established by location of home

Rear yard setback: 20'; okay except for sheds
Side yard setback: 10/20 (one or both)
Maximum lot coverage: 30% (6,855 sq.ft.)
Accessory structure setback: 10' from "any lot line" (page 75)

Building structures, both current manufactured home and proposed garage will fall dimensionally within these parameters. Due to the fact that the front of the home determines the location of the front and rear yards, and because this measures 65': there is no room in the rear yard to accommodate a garage. Applicant is seeking relief from location of garage in rear yard as required by our ordinance, and wishes to place it in the side yard next to his home.

2. *How will it not produce an undesirable change in the neighborhood?*

The board agreed that the structure would improve the appearance of the lot in general.

3. *Is the request substantial?*

The board stated that the proposed project is substantial in respect to typical residential garages. However, with regard to the entire lot size it is not a substantial request. It was also noted that dimensionally the project complies, but it is seeking variance from rear yard placement requirements.

4. *Adverse physical or environmental effects?*

The board agreed that proposed drainage should negate any negative impacts. It was also noted that installing the new building actually improves the lot, as the previously demolished structure should have been condemned.

5. *How is this hardship not self-created?*

Lot sizes and shapes were determined well before the current owner acquired the property. The situation is not self-created.

Motion: (deMello/Sowizdrzal) All voted in favor to allow the location of an accessory building in the side yard area.

The board noted that within the next 4 or 5 months this would be a moot point according to the new ordinance.

ADJOURNMENT:

The meeting was adjourned at 8:41.

Motion: (deMello/?) All voted in favor to adjourn the meeting.

Respectfully Submitted,

Ashley R. Blanchard, Zoning Board of Appeals

DECISION FORM:

BOARD:	Zoning Board of Appeals
DATE OF APPEAL:	September 15 th , 2015
APPLICATION NUMBER:	2521
NAME:	Lanny Bruno
PROJECT ADDRESS:	52 Frisbie Road
TAX MAP NUMBER:	21.9-4-25.000
REQUEST FOR VARIANCE FROM:	Ordinance Section 6.52 – Accessory Structure Rear Yard Requirement

REVIEW OF AREA VARIANCE CRITERIA:

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PROPOSED MOTION:	All voted in favor to allow the location of an accessory building in the side yard area.		
MOTION MADE BY:	Carol deMello		
MOTION SECONDED BY:	Peter Sowizdrzal		
MEMBER VOTE:	MEMBER NAME:	YES	NO
	Chairman Rob Bruno	X	
	Vice Chair, Carol deMello	X	
	Peter Sowizdrzal	X	
	Barbara Paye	X	
	Jason Morgan-Absent		

*Any attachments are located at the Town Hall.