

TOWN OF WILLSBORO

OFFICE OF THE SECRETARY FOR PLANNING AND ZONING BOARD

MINUTES ZONING BOARD OF APPEALS DATE: March 19, 2024 at 6:00 PM LOCATION: Willsboro Town Hall

Present: Chairman: Peter Sowizdrzal; **Board Members:** Anna Reynolds, Susan Mueller
Members of the Public: Carolyn Lange, Jenni Sowizdrzal, Maggie McGannon, Dereck Crowningshield, Maura Arnold, John Arnold, Bill Marvin, Larry Bruno, Ann Spilling, David Adkins, Margaret Adkins

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

MINUTES:

The February 20, 2024 minutes were approved as presented.

Mueller made a motion to approve the February 20, 2024 meeting minutes as presented. Reynolds seconded. All in favor, motion carried.

Open Public Hearing at 6:02pm

-Arnold, Tax Map # 21.14-2-6.000, 110 Lake Shore Drive, new build

John and Maura Arnold explained their project and why they are asking for their variance for an undersized lot because it is under 40,000 square feet. All other zoning requirements are met. The Arnold's went through and answered the five points that must be proven to grant an area variance. They also had maps and blueprints for anyone to view. Chairman Sowizdrzal explained how the members have gone through the five questions as well, and that everything will be going to the APA. The APA then has 30 days to grant permission, if we do not hear a response after 30 days- it is automatic approval. Sowizdrzal gave the opportunity for people to submit letters or read them into the record. There was discussion with Maggie McGannon and Carolyn Lange.

Closed Public Hearing

-Pete Sowizdrzal opened the regular board meeting.

-The board members went over their answers to the five variance questions (attached).

Pete Sowizdrzal made a motion based on the application submitted and testimony heard that this application for relief of, Section 4.10 page 29, Schedules of Use and Area regulations- Lot size and side yard setbacks. Needs relief for lot size 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 26,850 sq. ft. for lot size in zone RL-1 which requires 40,000 sq. ft. Susan Mueller seconded. All in favor.

Re-Opened Public Hearing

-Colangione/Olsen, Tax Map #11.13-1-59.000, 508 Corlear Drive, new build

Dereck Crowningshield spoke for the home owners, explained the project and what they would like to do. David and Margaret Atkins asked questions and discussed the project with the board.

Closed Public Hearing

-Pete Sowizdrzal opened the regular board meeting.

The board members went over their answers to the five variance questions

Anna Reynolds made a motion based on the application submitted and testimony heard that this application for relief of, Section 4.10 page 29, Schedules of Use and Area regulations-Lot size and side yard setbacks. Needs relief for lot size 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 12,576 sq. ft. for lot size in zone RL-1 which requires 40,000 sq. ft and relief of 18' 4" on each side yard setback which requires 50' side yard setback. Susan Mueller seconded it. All in favor.

DISCUSSION:

Next meeting: April 16, 2024

ADJOURNMENT: Sowizdrzal made a motion to close the meeting. Mueller seconded it. All in favor and the motion carried.

The meeting was adjourned at 7:28 pm.

Respectfully Submitted,

Kyli Miller
Secretary for Planning and Zoning Board



TOWN OF WILLSBORO
ZONING DEPARTMENT

received
3-20-24

DECISION FORM:

BOARD:	Zoning Board of Appeals
DATE OF APPEAL:	March 19, 2024
APPLICATION NUMBER:	24004-A
NAME:	John & Maura Arnold
PROJECT ADDRESS:	110 Lakeshore DR, Willsboro NY 12996
TAX MAP NUMBER:	24.14-2-6.000
REQUEST FOR VARIANCE FROM:	Section 4.10 pg. 29 – Schedules of Use and Area Regulations. Lot size – Need Relief of 26,850 sq. ft. RL-1 is 40,000 sq ft.

PROJECT DESCRIPTION: NEW CONSTRUCTION. 1 BEDROOM – 2 BATH HOUSE WITH WALKOUT BASEMENT, ATTACHED GARAGE RAISED DECK AND NEW ELJEN SEPTIC SYSTEM.

REVIEW OF AREA VARIANCE CRITERIA:

Area Variance Criteria:

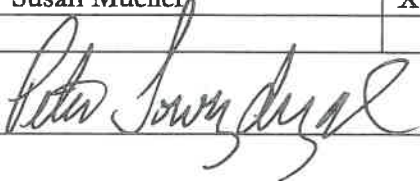
1. As to whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance, the board finds that: **This is an old existing lot. A majority of lots are 50' wide in Buena Vista Park. They meet all the requirements except for lot size and the adjoining lots already have structures on them.**
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. The properties to the north and most of the properties in Buena Vista Park are 50' lots. They are building a small 1,100 sq. ft. 1 bedroom – 2 bath house. There are nearby residences with smaller lots and much larger houses on their lots.**
3. As to whether the requested area variance is substantial, I find that: **If you look at just lot size it does seem substantial but if you look at the overall zoning requirements, they meet all the other requirements for the RL-1 zoning district. He was told by the accessor the reason his taxes are so high it is a buildable lot.**
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. They are putting in a new raised bed Eljen septic system that will have a 1,000-gallon Septic and Pump Tank that will be located as far as possible and exceeding the**

5 FARRELL ROAD, PO BOX 370, WILLSBORO, NY 12996

PHONE: (518) 963-8668 WEBSITE: www.townofwillsboro.com

APA requirement. The lot is lined with trees to obscure the view from the road. The applicant has submitted to the APA a "JIF" (Jurisdictional Inquiry Form) which will approve the project.

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 not. Buena Vista Park was designed with 50' lots back in 1925. People bought these lots, and they were sold as a buildable lot. Most cottages are on these lots.**

PROPOSED MOTION:	Motion is made based on the application submitted and testimony heard that this application for relief of, Section 4.10 pg. 29 – Schedules of Use and Area regulations – Lot size and side yard setbacks. Needs relief for lot size 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 26,850 sq. ft. for lot size in zone RL-1 which requires 40,000 sq. ft.		
MOTION MADE BY:	Peter Sowizdrzal		
MOTION SECONDED BY:	Anna Reynolds		
MEMBER VOTE:	MEMBER NAME:	YES	NO
	Chairman, Peter Sowizdrzal	X	
	Anna Reynolds	X	
	Susan Mueller	X	
SIGNATURE OF ZBA CHAIRMAN:			

ZBA Member Area Variance Questions DRAFT

Submitted by Anna Reynolds

Name

Arnold

Tax Map #

21.14-2-6.00

Area Variance Application Number:

71.P

Date of Vote:

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 project meets the deed restrictions and the setback requirements except for minimum lot size.

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 home blends in with the character of the neighborhood and surrounding properties.

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

The variance is not substantial because it is not a lot size variance and it is not a setback variance. It meets max lot coverage based on lot area.

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 will be updated/new infrastructure to protect the groundwater and lake via septic system.

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 lot was sold for development so was not self created and have met deed restrictions.

ZBA Member Area Variance Criteria Notes **DRAFT**

Name Susan Mueller Arnold Tax Map # 21.14-2-6.000

Area Variance Application Number: _____ Date of Vote: 3-19-2024

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 no other option. This is an under sized lot that is deemed a buildable lot, therefore a variance is required

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:

There are none, many houses in the area are on some small lots (50'x100) as this was the original development plan of BVCA

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

The variance is quite substantial but not unreasonable

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 won't. It's currently used as a lake front lot for the applicant and family, it will allow for ease of use to have their home there. There are natural buffers on both side

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 variance request is not self created as this is deemed a buildable lot.

Susan Mueller