



TOWN OF WILLSBORO
LOCAL GOVERNMENT OFFICES

ZONING BOARD OF APPEALS MEETING
TUESDAY, OCTOBER 20TH, 2015 AT 7:00PM
WILLSBORO TOWN HALL

ATTENDANCE: Bruno, deMello, Morgan, Paye

ABSENT: Sowizdrzal

Public: Patrick Shannon & Jason Jaquish – Winnifred Shannon Estate

CALL TO ORDER: Bruno

MINUTES:

Ms. Paye requested a copy of the corrections that Ms. deMello provided at the last meeting.

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

NEW BUSINESS:

PUBLIC HEARING:

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

Mr. Patrick Shannon indicated that he now is sole owner of the Estate of Winnifred Shannon. He noted that the 2 lots have been combined since the last meeting.

Mr. Bruno confirmed that the proposed project was an addition. Ms. deMello noted that it was an addition, and noted that the new dimensions were provided for this meeting.

Ms. deMello stated that the side view is actually the front yard view from the road. She noted that the deck is actually in the rear yard, and that the indicated rear yard is actually another side yard.

Ms. Paye confirmed the dimensions with the hired contractor, as presented in the application. She also asked about the applicant's intentions for a storm-water management plan. The applicant and representative contractor noted that there is a ditch that runs on the boundary of the property. Ms. deMello asked Mr. Rock if he was required to look at structural drainage when reviewing the building permit request. Mr. Rock noted that he does, continuing that his jurisdiction is tied to the structure and not the property itself.

Mr. Bruno asked about the lot coverage with regard to the drainage. Mr. Rock noted that there is not a lot coverage issue that the applicant is well below the required 10%. Mr. Bruno noted that there is no visible ditch line to funnel water. Mr. Jaquish stated that it will flow downhill, but that the storm-water will be dispersed via several different points versus being funneled to one location.

Ms. Paye asked about the square footage of the addition. Mr. Jaquish noted that it is proposed to a 720 square foot addition. It was noted that the original structure is approximately 1073 square feet, making the total square footage approximately 2043 square feet with the proposed addition and deck.

Public hearing opened.

Aside from the applicant and representative, no public was in attendance therefore no comment was made. Mr. Bruno noted that 2 letters were received on behalf of the application indicating no objections to the proposed project and variance request.

Mr. Bruno commented that the applicant was more fortunate than many property owners in that area due to the amount of acreage, as well as Mr. Shannon having the option to combine the adjacent lot. He noted that the project will be an improvement to the property regardless.

Public hearing closed.

OLD BUSINESS:

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

See attached findings and notes from Ms. deMello.

Area Variance Criteria

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

The board concurred that putting the addition in another location is not feasible due to the location of the water hookup and the septic system. They noted further that the location makes logical sense for the interior function of the home.

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

The board agreed that the project presented matches the existing structure, noting that there will not be an undesirable change to the neighborhood. It was indicated further that the due to the land owner having combined the lots adjacent to his property, there will be essentially no impact on nearby properties. The board continued in stating that the applicant has been considerate of his plans for design and the neighbor's sight lines, resulting in no impact.

3. *Is the request substantial?*

The board concurred that the requested addition of 20' on the overall length of the property line – 250' – is not substantial.

Ms. Paye noted that structurally the request is substantial as the project nearly doubles the size of the existing structure, but that it is not substantial with regard to the property itself.

4. *Adverse physical or environmental effects?*

The board agreed that the addition, at a size of 720 square feet on a lot of approximately 39,204 square feet, will have no impact provided proper building practices for foundations and drainage are followed.

It was noted that the deck square footage, although not included in the variance request as it is in the original building envelope, will have no impact.

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

The board concurred that the existing structure did not meet the minimum setbacks when purchased; therefore the difficulty is not self-created.

Motion: (deMello/Paye) All voted in favor to grant a variance for relief of Section 3.50 – RL-1 – front yard setback requirement of 50'. The board agreed to permit the building of the addition outside of the permitted building envelope. All voted in favor and the motion carried.

The applicant asked for verification on the road right of way as it pertains to screening.

NEW BUSINESS

2338 - Richard Antrim 379 Bay Lane 20.20-1-58.000 RL-1 Variance from side yard setback requirements

Mr. Rock noted that the applicant would like to make a 5 x 10 addition on the back side. He noted that he denied the applicant because it doesn't meet the rear yard setback. Ms. Paye and Ms. deMello stated that their interpretation was that the front yard is facing the Smith's property. Mr. Rock noted that the setback requirement is 50'. He noted that the proposed structure is about 40' from the front yard. Mr. Rock continued in stating that there is a culture of making these camps a little bigger every 10 years. He noted that it is a good practice to require variances for little additions such as these because of the fact that they add up.

Ms. Paye asked what the setback was from the addition to the side yard. Ms. deMello discussed the Dunn property and the fact that no variance was required then for the resident's to build a bathroom addition. Ms. deMello noted that she does not have a problem working on this case.

Mr. Rock stated that there are a lot of things that were not up to standards in the neighborhood, and that the general situation is starting to affect the area as a whole.

Ms. deMello asked if the structure would qualify under the 2/3 rule. Mr. Rock noted that width of the lot is not compliant with the setback requirements in the ordinance therefore the 2/3 rule does not apply.

The board asked for better dimensions to be provided on a plot plan, the property record card, the deed description, and the location of the septic and water.

(deMello/Morgan) A motion was made and seconded to move the case to public hearing. All voted in favor and the motion carried.

TNC Bigwoods Nature Preserve 31.9-1-59.000 LC-R Variance from Sign Requirements

Mr. Rock briefed the board on the case and the Nature Conservancy's overall project goals. He noted that the request is not compliant with some of the signage requirements.

Ms. deMello asked about the TNC property boundaries. She asked if the board is to interpret the Planning Board's conflicted sentiment as to whether the project is a sign or a structure. Ms. deMello noted that the kiosk is defined as being a structure.

Mr. Rock noted that if it is not a sign that it would then be designated a structure. He continued in stating that a principal dwelling is not permitted on the preserve property.

Ms. Blanchard stated that the Town is collaborating with the Nature Conservancy on this property. She noted that the kiosk is on the boundary of the Town/TNC parcels.

Mr. Rock discussed the "one sign per premises regulation".

The board asked for the dimensions (setbacks) from all signs proposed, as well as specific sign locations.

(Paye/deMello) A motion was made to move the case to public hearing. All voted in favor and the motion carried.

CONCERNS/INFORMATION:

Zoning Ordinance Update – The board discussed the updates, APA review and approval, and the up-coming Town Board public hearing for the document (scheduled for November 4th).

Minutes – Discussion took place between the board and the secretary regarding findings of fact. It was suggested that each board member come to the meetings with their own findings of fact to be attached to the minutes, but that a general consensus would be written within the actual meeting minutes and decision.

ADJOURNMENT:

(deMello/Paye) A motion was made to adjourn the meeting at 9:01p.m. All voted in favor and the motion carried.

Respectfully Submitted,

Ashley R. Blanchard, Zoning Board of Appeals

DECISION FORM:

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|-----------------------------------|---|
| BOARD: | Zoning Board of Appeals |
| DATE OF APPEAL: | October 20 th , 2015 |
| APPLICATION NUMBER: | 2527 |
| NAME: | Estate of Winnifred Shannon (Patrick Shannon – Owner) |
| PROJECT ADDRESS: | 10 Park Place |
| TAX MAP NUMBER: | 21.13-2-73.000/21.13-2-74.000 |
| REQUEST FOR VARIANCE FROM: | Variance from front yard setback requirements |

REVIEW OF AREA VARIANCE CRITERIA:

Area Variance Criteria:

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

The board concurred that putting the addition in another location is not feasible due to the location of the water hookup and the septic system. They noted further that the location makes logical sense for the interior function of the home.

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Ms. Paye noted that structurally the request is substantial as the project nearly doubles the size of the existing structure, but that it is not substantial with regard to the property itself.

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It was noted that the deck square footage, although not included in the variance request as it is in the original building envelope, will have no impact.

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|----------------------------|--|------------|-----------|
| PROPOSED MOTION: | To grant a variance for relief of Section 3.50 – RL-1 – front yard setback requirement of 50’. The board agreed to permit the building of the addition outside of the permitted building envelope. All voted in favor and the motion carried. | | |
| MOTION MADE BY: | Carol deMello | | |
| MOTION SECONDED BY: | Barbara Paye | | |
| MEMBER VOTE: | MEMBER NAME: | YES | NO |
| | Chairman Rob Bruno | X | |
| | Vice Chair, Carol deMello | X | |
| | Peter Sowizdrzal | Absent | |
| | Barbara Paye | X | |
| | Jason Morgan-Absent | X | |