

FRONT SETBACK VARIANCE

- 1. Whether and undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.***

No. The neighboring house to the north is actually built over the County Right-of-Way and therefore has a 0 ft setback. We are also improving on the existing setback of the detached garage of 3725 Co. Rd. 16 which has a setback of 9.33 ft.

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than area variance.***

No. The geometry of the site creates a large area with a shallow depth. The large area places it in the “lot size: more than 20,000 square feet” category of the Town Zoning Schedule which has front and rear setback requirements of 60 ft. These setbacks leave very little area to build in conformance.

- 3. Whether the requested area variance is substantial.***

No. There are many recently granted variance on file from the RLD zoning district that are greater than our request. Also, many structures in this area have smaller front setbacks than we are requesting.

- 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.***

No. Many structures in this area have smaller front setbacks than we are requesting. We are also improving on the existing setback of the detached garage of 3725 Co. Rd. 16 which has a setback of 9.33 ft. Therefore we are improving the physical and environmental conditions of the neighborhood.

- 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.***

No. The geometry of the site creates a large area with a shallow depth. The large area places it in the “lot size: more than 20,000 square feet” category of the Town Zoning Schedule which has front and rear setback requirements of 60 ft. These setbacks leave very little area to build in conformance.

REAR SETBACK VARIANCE

- 1. Whether and undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.***

No. The existing house on 3719 Co. Rd. 16 has a similar rear setback. Other houses in the area have smaller rear setbacks than we are requesting. We are maintaining the lakefront appeal of the Shoreline Development Guidelines by preserving the mature trees than line the shore.

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than area variance.***

No. The geometry of the site creates a large area with a shallow depth. The large area places it in the “lot size: more than 20,000 square feet” category of the Town Zoning Schedule which has front and rear setback requirements of 60 ft. These setbacks leave very little area to build in conformance.

- 3. Whether the requested area variance is substantial.***

No. There are many recently granted variance on file from the RLD zoning district that are greater than our request. Also, many structures in this area have smaller rear setbacks than we are requesting.

- 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.***

No. We are maintaining the lakefront appeal of the Shoreline Development Guidelines by preserving the mature trees than line the shore. We are also proposing to enhance the shoreline by planting landscaping along a proposed grass walkway at the shore.

- 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.***

No. The geometry of the site creates a large area with a shallow depth. The large area places it in the “lot size: more than 20,000 square feet” category of the Town Zoning Schedule which has front and rear setback requirements of 60 ft. These setbacks leave very little area to build in conformance.

BUILDING COVERAGE VARIANCE

- 1. Whether and undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.***

No. Many houses in the area have building coverages greater than our request. We are also enhancing the curb appeal and lakeside appeal of these properties by replacing several outdated structures with one modern structure designed by a prominent local architect.

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than area variance.***

No. This parcel has a relatively long lake frontage, which requires a long house to fit the proportions of the neighborhood. Also, with limited building height requirements of the RLD district, the second story of the proposed house is reduced to provide shallower roof lines. The area lost in the second story is therefore made up in the first-floor footprint.

- 3. Whether the requested area variance is substantial.***

No. Many houses in the area have building coverages greater than our request. We are also combining 2 parcels into 1 to facilitate the proposed house. Since the parcel at 3719 Co. Rd. 16 is less than 20,000 sf, it has more lenient building coverage requirements. By combining the parcels, our allowance of building coverage is restricted relative to the building coverage allowed by keeping the parcels separate. The impervious area allowed by keeping the parcels separate equates to 16.9% of the total lot size, where the maximum allowed building coverage after combining the lots is 15%.

- 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.***

No. We are proposing construction rain gardens to collect and treat stormwater runoff. This runoff will be directed to the lake at a reduced rate. These rain gardens will be designed to manage the additional runoff created from the increase in building coverage.

- 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.***

No. The unique geometry of the parcel creates a small area of buildable space. This area is long and narrow, which warrants a long and narrow house. There is also stringent height requirements in the RLD district to facilitate lake views for neighbors. The second floor of the proposed house is limited to reduce roof lines, and therefore the first floor is expanded. The house is also designed for our clients as they progress through life and require first-floor amenities.

LOT COVERAGE VARIANCE

- 1. Whether and undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.***

No. Many houses in the area have lot coverages greater than our request. Our primary site features are designed to be out of sight of the neighbors and the road. We are improving side setbacks from the existing structures and are therefore improving on the impact to our direct neighbors.

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than area variance.***

No. Much of the impervious area contributing to lot coverage is from the driveway. Our clients wish to make this their permanent residence and the driveway grading is therefore designed to facilitate access during snow and ice events. The site natural grades away from the road to the lake, so the driveway needs to be of a certain length to provide the necessary elevation drop over a safe slope. The result is a relatively long driveway for the neighborhood which creates a lot of impervious area.

- 3. Whether the requested area variance is substantial.***

No. We are combining 2 parcels into 1 to facilitate the proposed house. Since the parcel at 3719 Co. Rd. 16 is less than 20,000 sf, it has more lenient lot coverage requirements. By combining the parcels, our allowance of lot coverage is restricted relative to the lot coverage allowed by keeping the parcels separate. The impervious area allowed by keeping the parcels separate equates to 26.9% of the total lot size, where the maximum allowed lot coverage after combining the lots is 25%.

- 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.***

No. We are proposing construction rain gardens to collect and treat stormwater runoff. This runoff will be directed to the lake at a reduced rate. These rain gardens will be designed to manage the additional runoff created from the increase in lot coverage.

- 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.***

No. As stated in question 2, the driveway is required to be long relative to other properties in the area. This automatically creates a substantial amount of impervious area. The patio area has been reduced from our clients original intent to limit our lot coverage variance. Other site features, such as a fireplace patio, parking area, and walkway to the boathouse, have been replaced with either lawn area or reinforced turf.

MHW SETBACK VARIANCE

- 1. Whether and undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.***

No. The proposed retaining wall will not be visible to any neighbors or the roadway. The proposed retaining wall will enhance the character of the shoreline by providing a decorative hardscape feature with an area for landscaping.

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than area variance.***

Yes. The proposed retaining wall could be replaced with a reinforced landscape embankment that wouldn't be considered a structure by the Town Code. However, these embankments require more maintenance and are less robust than the proposed retaining wall.

- 3. Whether the requested area variance is substantial.***

No. The proposed retaining wall is only 3 ft high. The proposed house has several locations on the lake-side that walk out to grade. To make safe drainage at the road-side of the house, the lake-side ground level needs to be raised. The proposed retaining wall allows this ground raising without creating a slope that could possibly erode into the lake.

- 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.***

No. The proposed retaining wall is of segmental construction, so it won't be constructed far enough in the ground to impede groundwater mitigation to the lake. Also, the proposed retaining wall will prevent and potential slope failure.

- 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.***

Yes. There are alternative methods to create the necessary grading up to the house. However, the proposed retaining wall is the most economical long-term solution, and also the safest as far as failure potential.

STREAM BED SETBACK VARIANCE

- 1. Whether and undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.***

No. The distance from the stream bed to the patio is greater than the distance from the stream bed to the southerly neighbor. The proposed patio will also increase the setback from the stream bed to the existing house.

- 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than area variance.***

No. The required 100 ft setback from the streambed with the required front and rear yard setbacks leaves very little buildable space. For example, the parcel at 3725 Co. Rd. 16 is approximately 118 ft wide. With the required 12 ft side setback to the north and 100 stream bed setback to the south, the buildable space on this parcel is only 6 ft wide.

- 3. Whether the requested area variance is substantial.***

No. The proposal will increase the existing stream bed setback by almost 3 times.

- 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.***

No. The increase in stream bed setback will help the environment by lessening the chance of impact to the stream from structure proximity.

- 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.***

No. The 2 parcels we are proposing to build on were created prior to the provisions in the Town Code for stream bed setbacks. In fact, there was a variance granted to the house at 3725 Co. Rd. 16 to allow an 11 ft side setback to the south. This variance made no mention of a separation requirement to the stream bed. This stream bed setback with the required front and rear yard setbacks leaves less than 500 square feet of buildable space on the combined 0.89 acre lot.