

Overview

The applicant proposes to demolish the tennis court and gazebo and construct an addition with attached garage to the existing single-family residence. The updated home will be located no closer to the front or side lot lines, and will be greater than 60 feet from the lake. Other proposed sitework includes the construction of a new driveway access on the north side of the property, a pickleball court, associated site retaining walls and steps.

The site has a number of preexisting nonconformities including more than the allowed site coverage, front and side setbacks for the principal structure, rear setback for the accessory storage structure, and a rear fence setback. These preexisting nonconformities are proposed to either remain unchanged or be improved, as allowed by §220-107 of the Town Code. The preexisting nonconformities are summarized below:

PREEXISTING NONCONFORMITY:	REQUIRED	EXISTING	PROPOSED	NOTES
Lot Coverage	25% max	40.7%	39.2%	Improved
Principal Front Setback	60'	2.96'	2.96'	No Change
Principal Side Setback	12'	9.65'	9.65'	No Change
Accessory Rear Setback	15'	0'	0'	No Change
Fence Setback (§220- 9.V(2))	15'	8.5'	8.5'	No Change

The project will create one nonconforming condition, for which an area variance is being requested. The building coverage will increase from 7.3% to 20.6%, where 15% is allowed by code. This increase in building coverage is being offset in a number of ways.

First, the overall lot coverage is being reduced in order to make room for the increase in living area. Paved surfaces, stairs, decks, and the gazebo are being removed in order to ensure that green space on the site is maintained.

Second, the addition is generally positioned within the footprint of the existing tennis court. This limits the amount of disturbance associated with the project, and allows the general layout of the property to remain the same in terms of developed area. All of the significant trees on the property are to remain.

Finally, the applicant has implemented an aggressive green infrastructure plan for the property. In addition to preserving the general topography of the parcel, a rain garden is being implemented in order to treat stormwater runoff from the impervious areas. The NYSDEC considers rain gardens an acceptable Runoff Reduction practice, essentially eliminating the impact of the upstream impervious areas. A green roof is also proposed above the proposed porch, an area approximately 660 square feet in size. Though this area is still counted as building coverage, it will essentially act as lawn area. If the green roof was calculated as lawn area, the building coverage would be reduced by 2.3%. Though these green

infrastructure practices do not reduce the square footage of coverage from a code standpoint, they help to reduce the physical impact of the proposed coverage.

Further justification for the variance request is provided below:

Tests for Granting Area Variances

- 1) *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.*

The size of the proposed single-family home is consistent with the other structures located on Davidson Landing Drive. After construction is completed, the parcel and its buildings will be similar in appearance to the other properties in the neighborhood. The project will not have a deleterious effect on the neighborhood, rather it will blend with the existing character.

Sight lines will be unaffected or minimally affected. The new home is set back away from the lake and will not intrude on the sight lines of either adjoining property.

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

The variance request is driven by the intent to create a full-sized residence consistent with the scale of residences along the private drive. The design of the home has gone through multiple design iterations which have successfully paired down excess spaces and reduced the overall footprint while maintaining the necessary living area. The building coverage contains a variety of indoor and outdoor covered areas, integrating the building with the surrounding site. These transition spaces add to the useful area of the home without significantly adding to the presence of the structure.

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

The footprint of the new house been sited well away from the lake, within the 60' required setback, and fits within the side setbacks and the 25' height requirements. The new house blends well into the site and is similar in character to other properties on the road. For these reasons the request is not substantial. As we are adding on to an existing structure, the new addition has been designed and positioned to fit within a previously developed portion of the property (the tennis court). Great effort has been made to maintain the extent of development on the property, while providing additional living space to make the property stand on its own. The result is an overall decrease in site coverage, making the building addition less than a substantial change in site coverage.

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

The applicant is proposing a number of environmentally friendly features on the property, including a rain garden to treat stormwater quality, and a green roof area to reduce the impact of building coverage. The proposed project will have a positive impact on stormwater.

Other than during construction, there will be no additional traffic, dust, noise, or odors as a result of the proposed addition. There will be no adverse effect or impact on the physical or environmental conditions in the neighborhood.

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

The current lot does not have a sufficiently sized home to support a single family, and currently acts as an “accessory parcel” to the adjoining property at 4501 Davidson Landing. The applicant did not create this condition and wishes to improve the property in order to sustain its single-family use.