

A Meeting of the Zoning Board of Appeals for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 25th day of November, 2020 at 7:00 PM.

**ZONING BOARD MEMBERS PRESENT:**

Gerhard Endal, Chair

Kevin Elms

Justin Farrell

Also present: Jim Martin, Zoning Administrator; Tricia Andrews, Recording Secretary (Zoom)

Board Members absent: Matthew Manning, Scott Fitzsimmons

Chairman Endal called the meeting to order at 7:00 pm. The Board reviewed the minutes of the October 28, 2020 meeting. Motion was made by Mr. Elms and seconded by Mr. Farrell to approve the minutes of the October 2020 meeting as written. All in favor, motion carried.

**Appeal No. 834**

A request of Diane Mouser of 1 Douglas Avenue, South Glens Falls, NY 12803 for an Area Variance pursuant to Chapter 149, Article V, Section 149-59 (A) and Town Law 267-b. Applicant is proposing to construct a shed that will not meet the required front yard setback in an R-1, One Family Residential District. This property is designated as 50.53-1-9 on the Town Assessment Map.

Mrs. Mouser was present over the phone and explained that they have a very narrow back yard. They would like to place a shed next to the garage, because the right side of the house is crowded with trees and is an inconvenient location from which to access the snowblower, etc. In addition they spent \$6,000 on landscaping and trees in the back and side yard which they do not want to disrupt. The house has two front yard setbacks at 30 ft. They have a nice yard and this will be one of the nicer sheds in the neighborhood. The shed roof is actually taller than the garage roof so they can't be too close together. The shed will be ten by ten feet. The other side of the yard would also need to be leveled out and that would be costly.

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Mr. Endal asked and the trees on the right (from the street) belong to the neighbor on that side.

There was some discussion of the location of the property line as described by Mrs. Mouser versus the tax map information that Mr. Martin had provided in the staff notes. It was agreed that Mrs. Mouser was probably right and that even though the house predates the zoning law it had in fact been placed in the center of the lot with 30 feet on each side. She had been able to located some but not all of the pins and she and her husband had measured with a tape measure.

Mr. Martin pointed out that the Building Code, which is separate from the Zoning Code, requires that accessory buildings be placed 4 feet away from the dwelling, and that distance is measured wall to wall whereas the Zoning is measured from the eaves. The Board decided that 15 feet of relief would be reasonable and that this could be measured most easily by requiring that the shed be 4 feet from the house (garage) as that would naturally place it within a 15 ft setback.

Neighbors were notified and there was no written correspondence and no public comment. The public hearing was closed. This is a Type II action exempt from SEQR.

The Board reviewed the criteria for granting an Area Variance and found as follows:

1. That the strict application of said dimensional requirements would result in a specified practical difficulty to the applicant.
2. That the requested variance was substantial, but the Board is willing to give 50% because of the unique nature of the corner lot and because the shed will not impede another property.
3. That the difficulty cannot be alleviated by some practical method feasible for the applicant to pursue.
4. That granting the variance as amended would not cause substantial change in the character of the neighborhood or a detriment to the adjoining properties.
5. That the variance would not be materially detrimental to the purpose of this chapter or to property in the district in which the property is located or otherwise

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conflict with the description or purpose of the district or the objectives of any plan or policy of the Town and that the variance requested is the minimum variance which would alleviate the specific practical difficulty found by the Zoning Board of Appeals to affect the applicant.

Motion was made by Mr. Elms to grant up to 15 ft. relief from the required front yard setback to the eave of the building, and that the shed should be placed four feet from the garage side of the house for reference. Mr. Farrell seconded. Roll call vote resulted as follows: Mr. Elms, Yes; Mr. Farrell, Yes; Chairman Endal, Yes.

Chairman Endal adjourned the meeting at 7:31pm.

Respectfully Submitted,

Tricia S. Andrews