

Statement in Support of Area Variance Application

Scott Hubinger
605 Clark Rd.
Gansevoort, NY 12831

1. No Feasible Alternative to Achieve the Benefit

Relocating the shed to another area (e.g. the rear of the property) is not feasible. The rear yard slopes at approximately 35–40 degrees, requiring extensive and costly grading, retaining walls, erosion control, and stabilization to safely support a 12' x 30' structure—potentially thousands of dollars and significant disruption. Other areas are obstructed by existing features (septic tank, pump station, drain field, swimming pool, and fence), making placement impossible without creating new hazards, possibly violating other codes, or rendering the shed unusable. Dismantling/rebuilding is equally impractical and uneconomical for this large, pre-existing shed.

2. The Requested Variance Is Not Substantial

The variance seeks only the minimum relief needed for the existing side yard placement. The shed is modest in scale for residential use (storage only), and the deviation from the setback is limited relative to the property's overall layout and the shed's functional benefit. It does not represent excessive relief, as similar accessory structures are common in the area, and approval would align with reasonable use without setting a broad precedent.

3. The Difficulty Is Not Self-Created

The placement difficulty arises from the property's inherent physical characteristics (significant slope in alternative areas and obstructions elsewhere), not from any voluntary actions on my part. The shed was installed in good faith as a new, compliant structure in a logical location for access and usability. I did not create the topography, obstructions, or zoning constraints—these are pre-existing conditions of the lot. While self-created hardship is relevant, it does not preclude relief here, as courts recognize that variances are appropriate for unique site conditions beyond the applicant's control.

4. No Undesirable Change in Neighborhood Character or Detriment to Nearby Properties

The shed is attractively landscaped with summer flowers, mulch beds, stone accents, and seasonal decorations (including Christmas elements). It is well-maintained and adds aesthetic appeal rather than detracting from the area. There is no change to neighborhood character—in fact, it beautifies the property and aligns with typical residential accessory structures. No neighbors have raised concerns, and it does not affect views, light, privacy, or property values.

5. No Adverse Effect on Physical or Environmental Conditions

The current placement has no negative impact on drainage, stormwater runoff, wetlands, steep slopes, traffic, noise, odors, or other environmental/physical factors in the neighborhood. The shed is elevated appropriately, and integrated with landscaping that improves appearance and stability. No public health, safety, or welfare issues arise from its retention.

This variance is the minimum necessary to allow reasonable, customary residential use of the property for storage without undue hardship. It poses no detriment to the community and provides a clear benefit by preserving an attractive, functional feature. I am prepared to provide photographs (showing landscaping, slope, and obstructions) or other documents as requested.

Thank you for your consideration.

Sincerely,

Scott Hubinger

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