

**Jeffrey Sheldon Area Variance Application Public Hearing at 36853 Rock Beach Road, Cape Vincent, NY 13618 (Tax Map# 39.09-1-28)**

The Chair opened the Public Hearing at 6:06 pm. Mr. Sheldon spoke on his behalf. Mr. Sheldon had a new survey completed and according to the new survey, he will no longer need the 1 ft side variance for the deck but the other side will retain the need for the 2 ft. side variance. Mr. Sheldon reiterated the need for the variance to the Board. Mr. Stevenson inquired as to why the property was not staked out. The ZEO took blame as Mr. Sheldon was not told that he needed to stake out the property where the shed and deck would go. The Board completed the Area Variance Findings and Decision. Mr. Aubertine made a motion to approve the 2 ft side variance on the east side of the deck and dismiss the 1 ft variance on the west side. Mr. Nebbia seconded the motion, and it carried, unanimously. The Board then discussed the Area Variance for the shed. Mr. Sheldon reiterated that if the shed is moved too much from where he asked for the variance, it would be difficult to get to the house. There was a discussion regarding the property line distance from the neighbors property line. Within the 45 ft that is indicated from the road, the first 15 ft is the neighbors and approximately the remaining 30 ft is Mr. Sheldon's. There was a discussion on moving the shed 4 ft from the property line as opposed to the requested 2 ft. The Chair reiterated that the Board is tasked to give the minimal variance and by moving it 2 ft would reduce the variance from 80% to 60%. Mr. Sheldon reiterated that moving it 2 ft. more off the property would make it not safe at night. The Public Hearing was closed at 6:12 pm. The Board completed the Area Variance Findings and Decision. On question #5 as to whether the alleged difficulty was self-created, 4 of the 5 members answered yes. Mr. Sheldon asked how was it self-created? The Chair responded that it was because he was applying for a variance within the setbacks. Mr. Sheldon responded that he did not create the problem but that the lot is too small to comply with the setbacks. The Chair suggested that the shed would be a minimum of 25 ft off the rear property line which is in compliance with the rear setbacks. Mr. Aubertine made a motion to approve the 8 ft side setback variance for the shed. Mr. Nebbia seconded the motion. The motion carried with 2 nays (Mr. DeRose and Mr. Stevenson) and 3 ayes (The Chair, Mr. Aubertine, and Mr. Nebbia).

**Next Meeting:** The ZBA will meet on Monday, August 1, 2022 at 6 p.m. at Recreation Park.

**Meeting Adjourned:** With no further business, Mr. Stevenson made a motion to adjourn the meeting. Mr. Nebbia seconded the motion and the Chair adjourned the meeting at 6:31 pm.

Respectfully submitted,

Sharon A. Nebbia  
ZBA Secretary