



**Adirondack
Park Agency**

Andrew P. Hawkins

Lisa A. Walsh

P2021-0249

June 8, 2022

Variance Record

- Application, maps, plans, photos, etc.
- Audio recording of variance hearing
- 15 comment letters received
- Staff's Summary Memorandum
- Draft Order
- Applicants letter to the board
- This presentation

Presentation Overview

- Applicable Laws
- Applicants' Objectives
- Variance Location
- Existing Site Conditions
- Background/Property History
- Variance Request
- Character of Shoreline
- Public Hearing & Comment
- Variance Factors
- Recommendation

Applicable Laws

Applicable Laws

- APA Act § 806(1)
 - Purpose of shoreline restrictions
 - Protection of water quality and shoreline character
- APA Act § 806(1)(a)(2)
 - Minimum shoreline setback: 100 feet in Resource Management
 - For all structures > 100 sq ft (except docks, boathouses)
- APA Act § 806(3)(a)
 - Authorizes Agency to grant variances
- 9 NYCRR § 575.5
 - lawfully existing non-conforming boathouses may be replaced in kind in the same location but may not be expanded in any direction without an Agency variance.
- 9 NYCRR Part 576
 - Factors to consider before granting a variance

Applicants' Objectives

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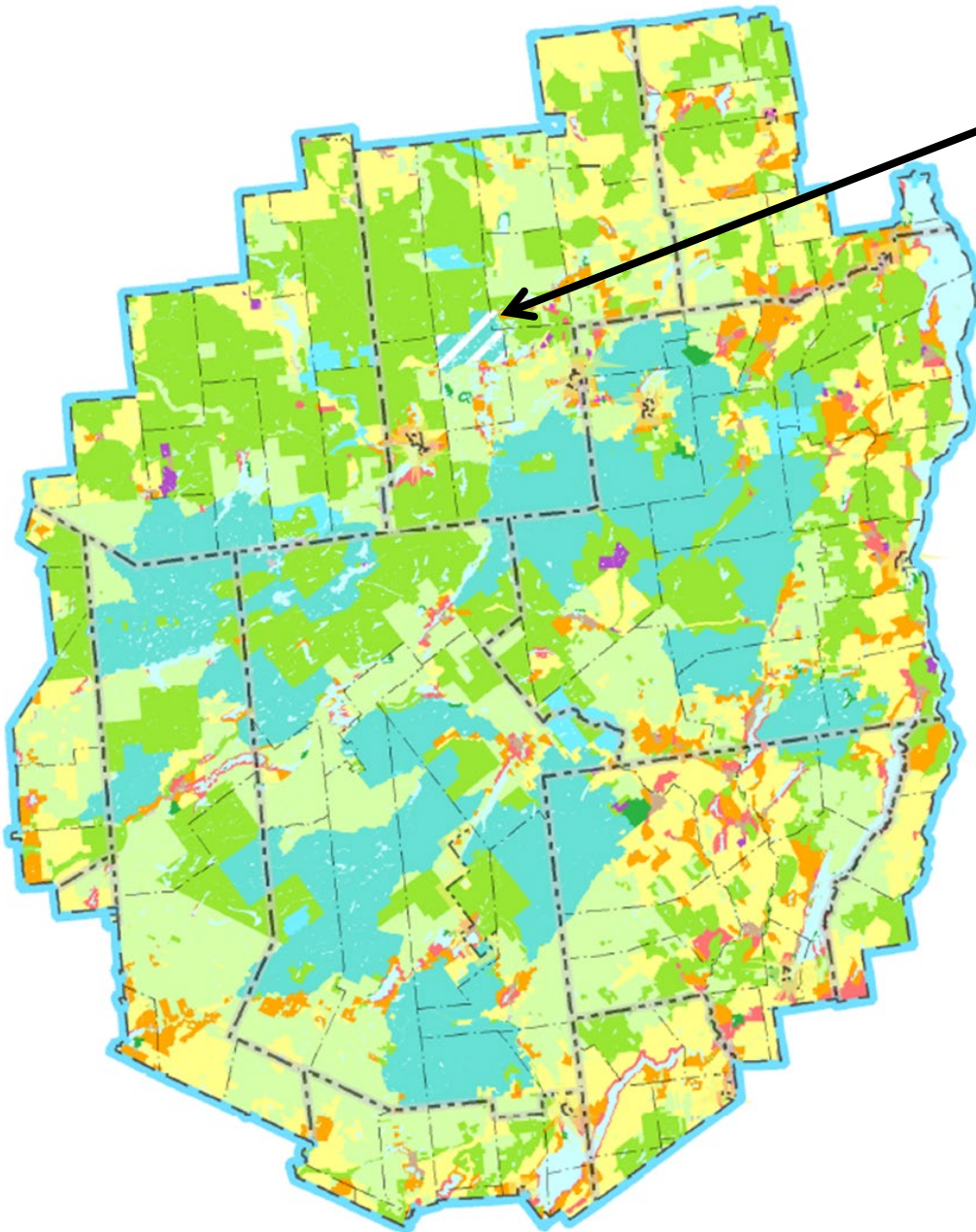
- Expand the current non-conforming boathouse with a third covered boatslip in order to house a recently acquired third antique wooden boat for both summer usage and winter storage and to house additional boats onsite in case of mechanical failure.

Variance Request

- Agency Variance needed
 - An increase of 16 feet 3 inches in width and 25 feet 11 inches in length for an increase 437.4 square feet of footprint.
 - Entirely within shoreline structure setback
- 1029 existing + 437.4 variance = 1,466.4 sq ft boathouse
- 25 ft 4 inches in total height of the structure

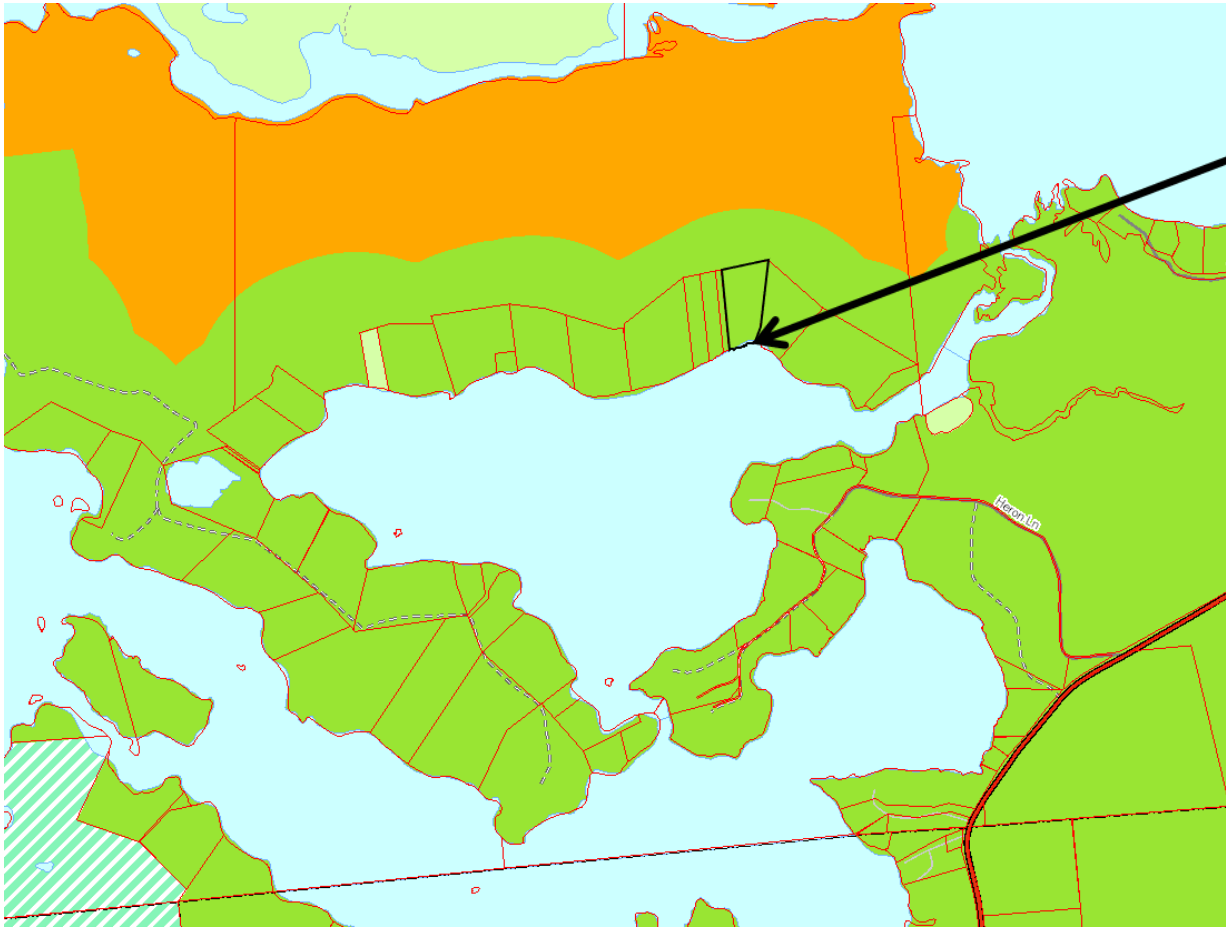


Variance Location



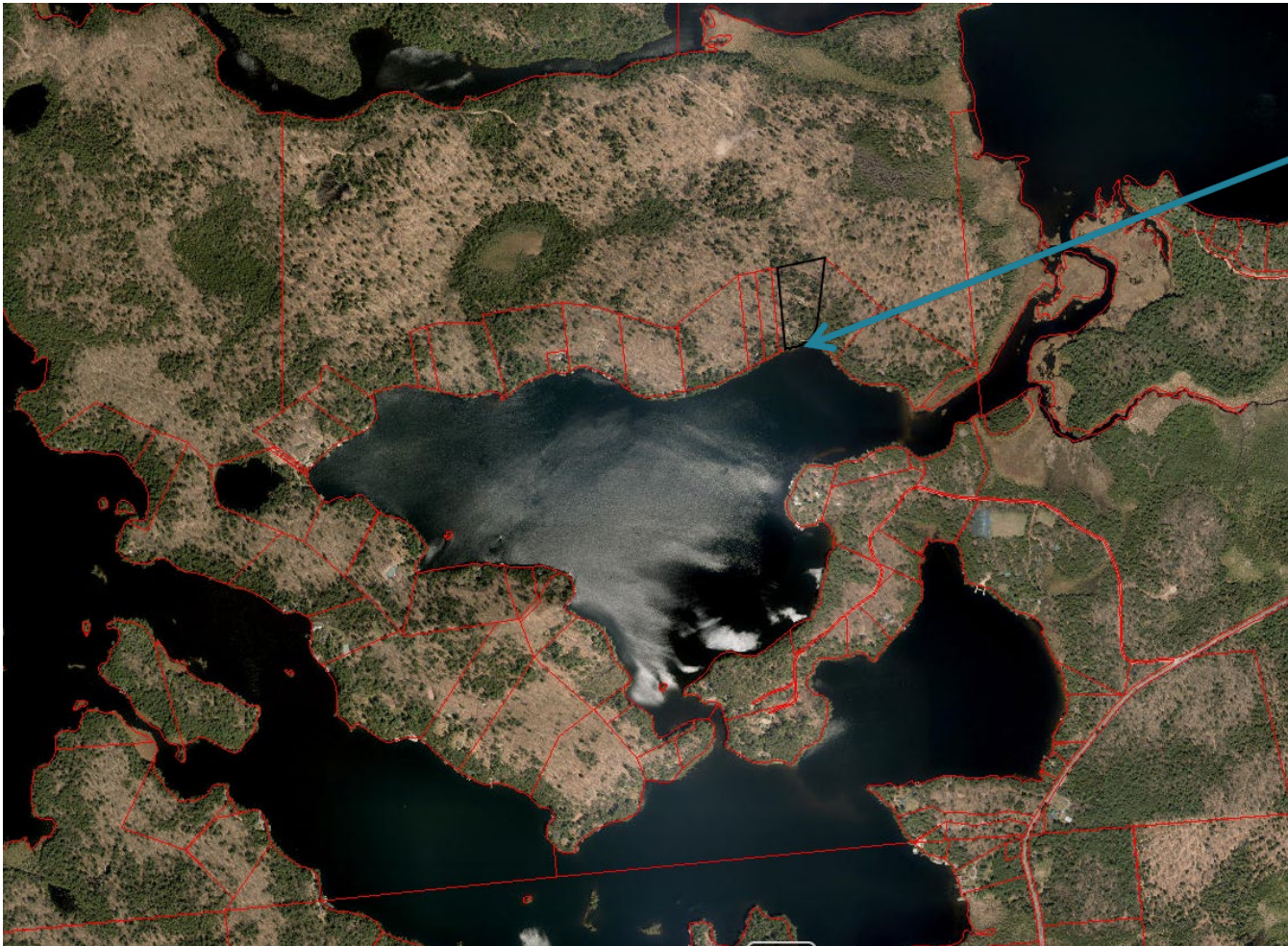
Project Location

Town of Brighton
Franklin County



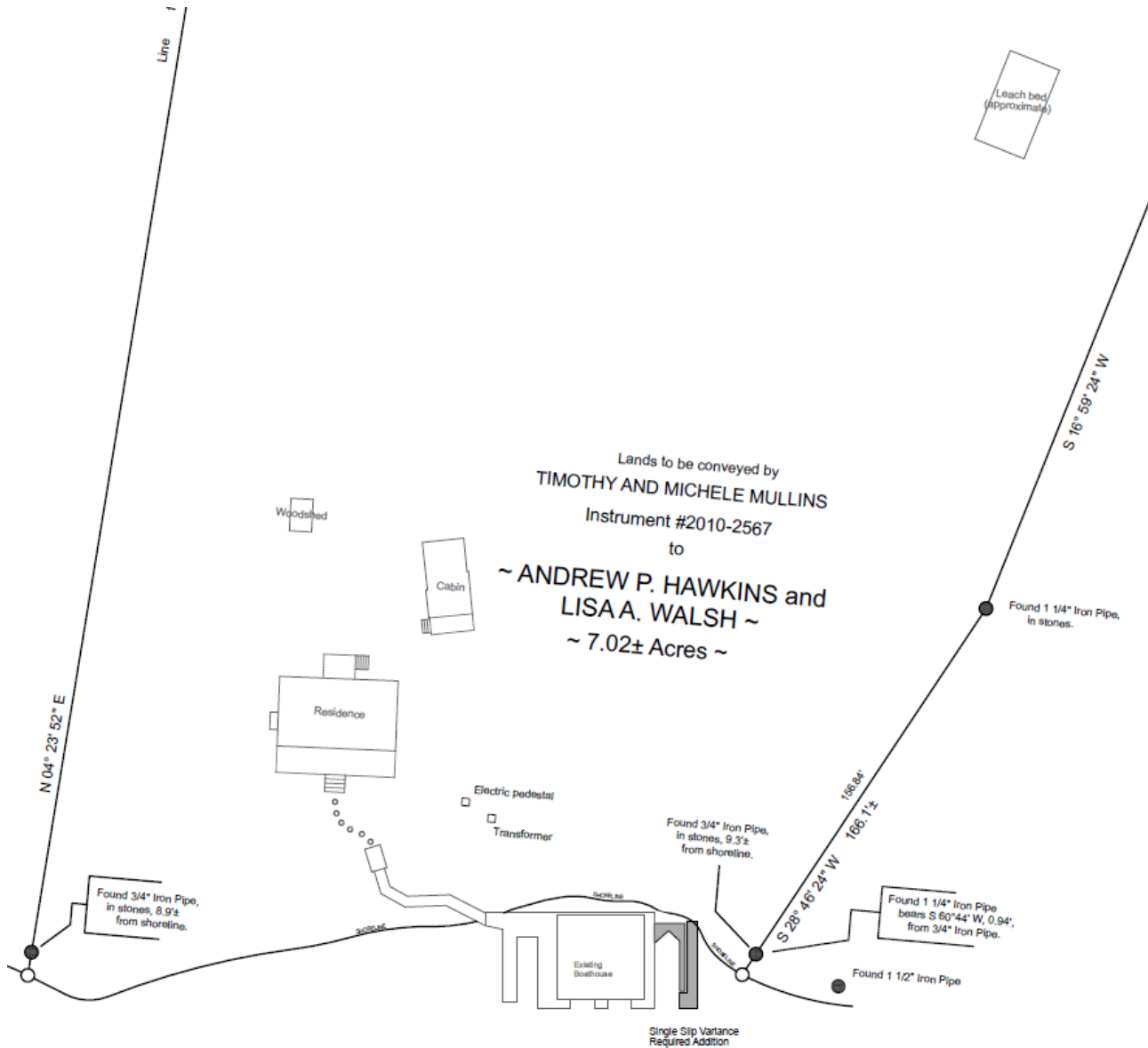
Project Location

Project Location



Existing Site Conditions

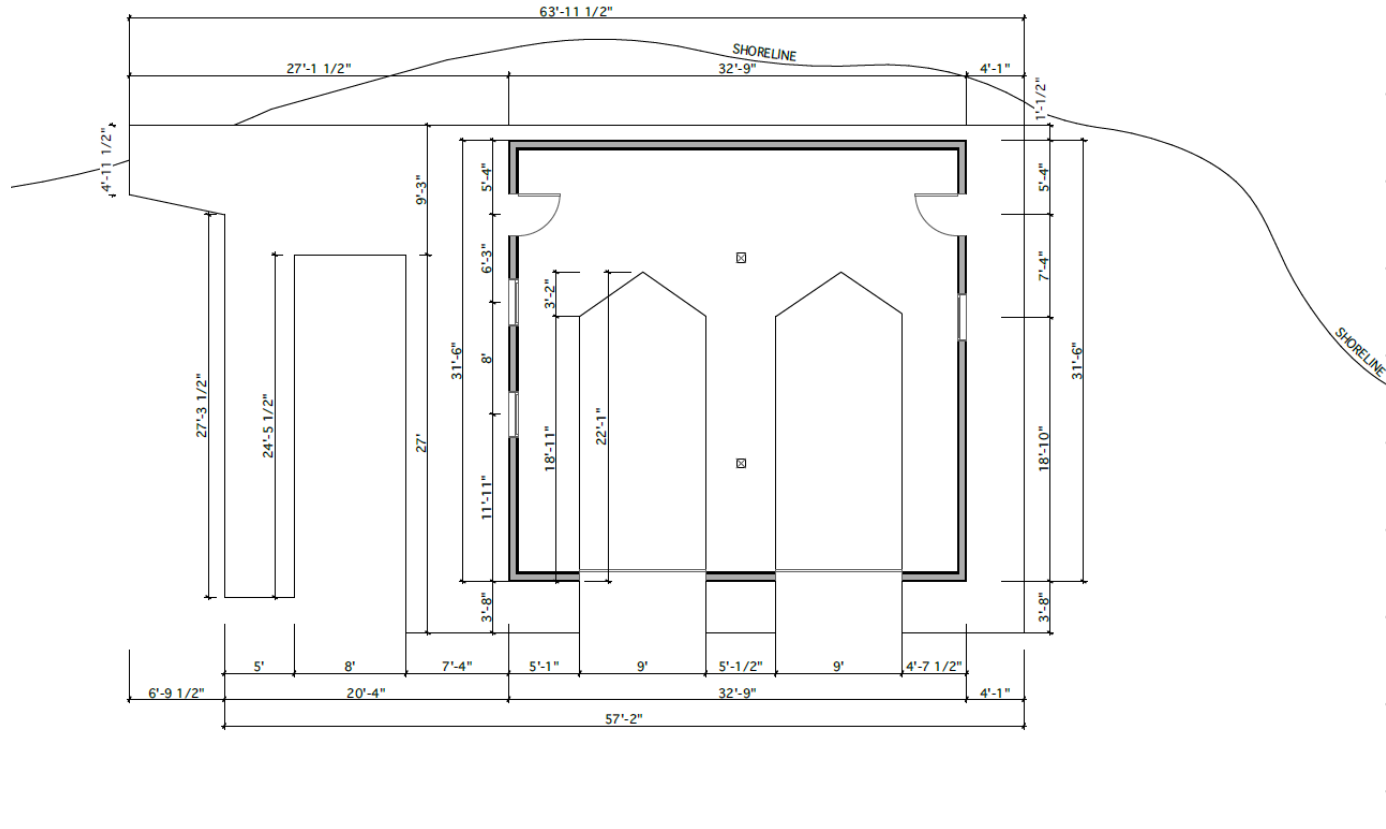
Survey Map



Existing Floor Plan

FLOOR PLAN
EXISTING PLAN

OWNER: ANDREW HAWKINS & LISA WALSH
LOCATION: SPITFIRE LAKE
TOWN: BRIGHTON
COUNTY: FRANKLIN



Existing Conditions



Background / Property History

Background / Property History

- June 20, 2001 – Agency issued J2001-0298 determining the replacement of the single family dwelling and accessory structures, including the boathouse, could be replaced.
- June 28, 2016 – Applicants purchased the property.
- April 6, 2021 – Agency issued J2021-0117 determining the 276.5 sq ft footprint expansion of the existing non-conforming boathouse required an Agency variance.
- October 19, 2021 – Applicants submitted the application for a variance, a 437.1 sq ft footprint expansion, an increase of 160.6 sq ft more than proposed in J2021-0117.

Variance Request – in more detail

Applicants' Objectives

Application

“to construct another slip for his boats in order to house them in an enclosed structure for both summer usage and winter storage. ”

And

To ensure the landowners can leave the property in the event of breakdowns on “one or more” boats because the site is boat access only.

Applicants' Objectives

Hearing

During the hearing, it was their position that the variance is necessary in order to house an antique 21.5 ft 1907 Fay and Bowen wood boat from the elements during the summer and store it over winter.

And

During the hearing, the applicants stated the site was accessible over winter using a logging road.



Boathouses

As defined under §570.3(c) of Agency regulations adopted August 1, 2010, a boathouse is:

- a covered structure with direct access to a body of water that is used only for the storage of boats and associated equipment
- does not contain sanitary plumbing of any kind
- does not exceed a single story in that the roof rafters rest on the top plate of the first floor wall
- has a footprint of 1200 square feet or less and a height of fifteen feet or less.

A structure that constitutes a boathouse is not subject to the setback requirements.

Variance Request

Existing

- 1029 sq ft footprint
- 25 ft 4 inches height
- 31.4 ft wide
- 32.75 ft long*

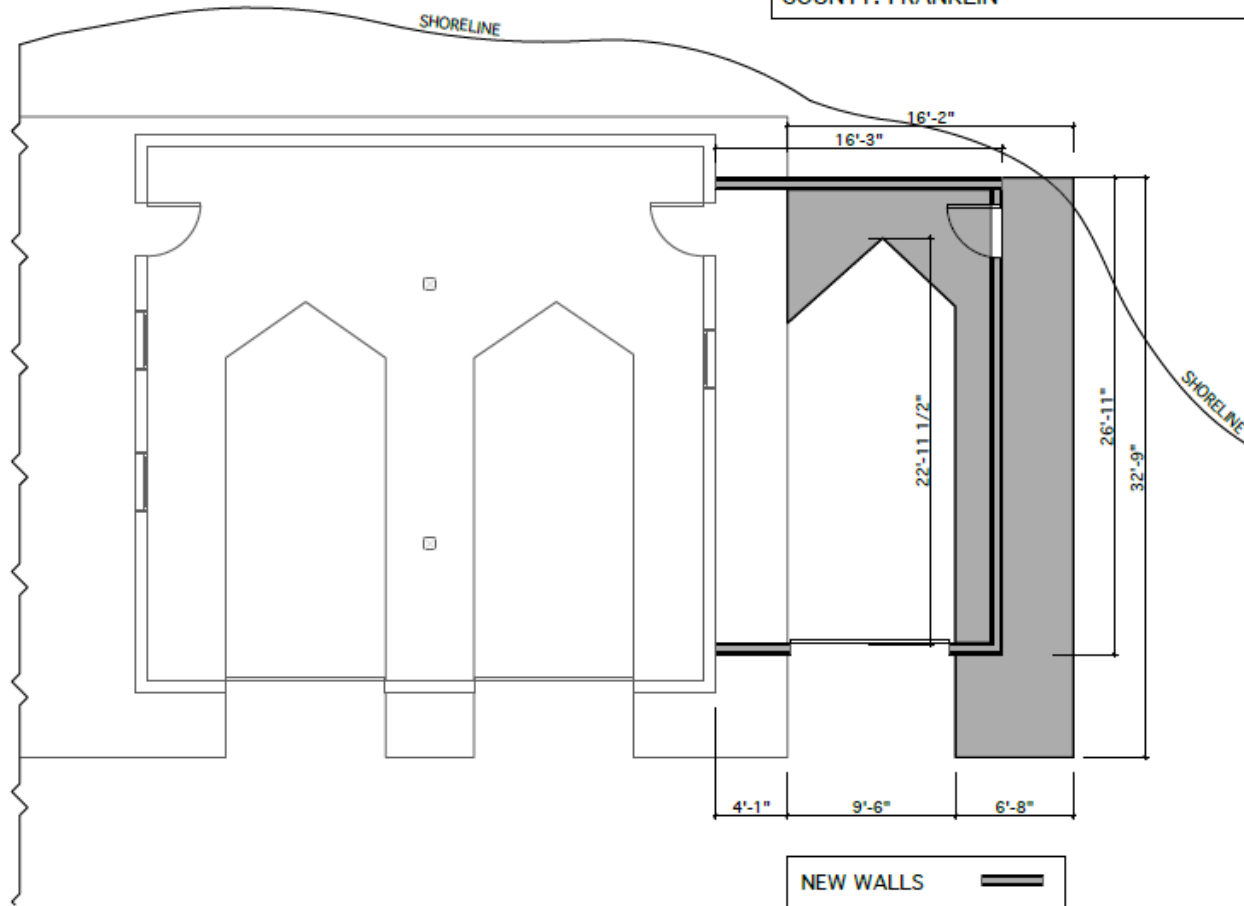
Proposed

- 1466.4 sq ft footprint
- 25 ft 4 inches height
- 47.65 ft wide
- 32.75 ft long

*Length perpendicular to shore

Proposed Floor Plan

OWNER: ANDREW HAWKINS & LISA WALSH
LOCATION: SPITFIRE LAKE
TOWN: BRIGHTON
COUNTY: FRANKLIN





NEW WALLS	
EXISTING WALLS	
NEW DOCK	
EXISTING DOCK	

Proposed Elevation Drawings

LAKESIDE ELEVATION



ADDITION	
EXISTING	



Character of Shoreline

Character of Shoreline

- Spitfire lake is a navigable water body with approximately 3.3 miles of shoreline.
- Approximately 36 parcels between 1 acre and 442 acres in size.
- Shoreline sizes range from 200 feet to 2800 feet.
- Most parcels are developed.
- The proposed variance site is approximately 7.02 acres with 275 feet of shoreline.



Character of Shoreline Near Variance Site

- Lots are developed with a mix of pre-existing and newer single family dwellings.
- The shoreline of Lots to the east are developed with existing non-conforming boathouses and docks.
- The shoreline of lots to the west remain primarily undeveloped, except for docks.

Character of Shoreline



Character of Shoreline to the West



Character of Shoreline to the East





Public Comment and Review by Others

Public Hearing pursuant to APA Act § 806 and 9 NYCRR Part 576.5

- On May 24, 2022 a remote public hearing was held.
- In attendance:
 - Agency staff
 - Applicants
 - Authorized representative
 - One Member of the Public
- 15 Comment Letters
 - 1 with concerns about variance proposal
 - 14 in support of variance proposal

Comment Letters

- Concerns:
 - Decreased water quality
- In support:
 - Better than a new boathouse
 - Consistent with the other 3 slip, two story boathouses on lake.
 - Increased site safety

**Variance Factors
set forth in
9 NYCRR
§ 576.1(c)**

(1) Whether application requests the minimum relief necessary

- The original proposal, as submitted in J2021-0117, requested an increase in footprint of 276.5 square feet instead of the current 437.4 square feet.
- During the variance hearing, the applicants' representative stated the applicants pursued a larger variance request in order to more comfortably accommodate the applicants' boats, but that it may be possible to reduce the size. The applicants stated that the increased size was necessary due to the length of a recently acquired boat.

(2) Whether granting the variance will create a substantial detriment to adjoining or nearby landowners

- The proposed expansion at the closest point would be approximately five feet from the nearest property line and approximately 250 feet from the nearest shoreline structure, located on adjoining property.
- The expanded structure would not extend further into the lake than the existing shoreline structure.
- The proposed shoreline structure will be visible from Spitfire Lake, and screening is not possible due to the location of the proposed expansion.

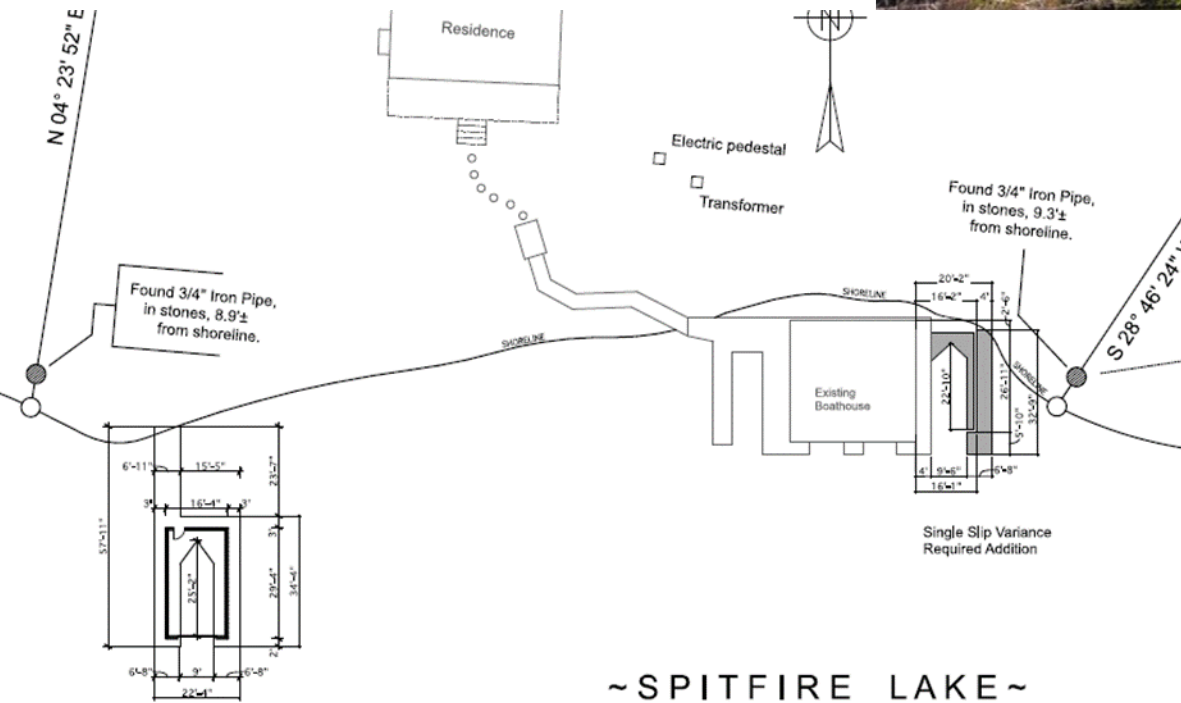
(3) Whether the difficulty can be resolved by a feasible method other than a variance

Potential alternatives to a variance brought up by staff:

- Modify the existing structure to conform with the boathouse definition.
- Utilizing off site storage.
- Constructing on-site dry covered storage.
- Constructing two-tiered dry storage within the existing boathouse.
- Constructing a second boathouse on the property.

The applicants felt these alternatives were not practical or cost effective.

Potential alternative brought up by applicant:



~SPITFIRE LAKE~

Additional potential
alterative location(s) may
exist



(4) The manner in which the difficulty arose

- The current boathouse was constructed around 2003 to replace a pre-existing boathouse.
- Definition of a boathouse adopted August 1, 2010.
- Applicants purchased the property in 2016.
- Recently acquired an antique wooden boat that needs to be protected from the weather in an enclosed structure. The applicants own two additional wooden boats that are already stored in the existing non-conforming boathouse.
- This difficulty, as presented by the applicants, is self created.

(5) Whether granting the variance will adversely affect existing resources

- The proposed shoreline structure would:
 - be visible from Spitfire Lake and screening of the structures is not possible.
 - Increase the visual and water quality impacts of the already non-conforming boathouse and single family dwelling located within the shoreline setback on the variance site

(6) Whether the imposition of conditions upon the granting of the variance will minimize potential adverse effects

- Restricting the structure to earth tone colors, requiring that all exterior lights be fully shielded and directed downward, and other limitations could be included to reduce some adverse visual impacts of the proposed structure.
- Impacts to water quality could be reduced, by requiring implementation of an approved erosion and sediment control plan and minimizing sediment runoff during construction.

Staff Recommendation

Balancing Test: 9 NYCRR § 576.1(b)

“A variance will be granted when the adverse consequences to the applicant resulting from denial are greater than the public purpose sought to be served by the restriction.”

Staff Analysis

- This would result in a shoreline structure that is 10 feet 4 inches taller and 266.4 square feet in footprint larger than any lawful new or replacement boathouse allowed.
- There are alternatives that would avoid a variance.
- This proposal is not the minimum relief necessary to meet the applicants objectives.
- The difficulty, as presented by the applicants, is self-created.
- Without the variance the applicants can still access and achieve reasonable use of their property and their shoreline.

Staff Conclusion

Purposes of
shoreline
restrictions



Adverse
consequences to
applicant

Staff Recommendation

Staff recommend that the Agency deny the requested variance.



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Park Agency**

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