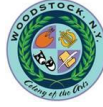


TOWN OF WOODSTOCK, NY

45 Comeau Drive, Woodstock NY 12498

ZONING BOARD OF APPEALS

Tel: (845) 679-2113, Ext. 14 • Fax: (845) 679-8743



Colony of the Arts

E-mail: zba@woodstockny.gov
Website: woodstockny.gov

ZONING BOARD OF APPEALS

DECISION & ORDER

ZBA #26-03

OWNER/APPLICANT:

Name: SuzyLee Korn and Kara Davis
Address: 282 Zena Road
Woodstock, NY 12498

SUBJECT PROPERTY:

Location: 282 Zena Road, Woodstock, NY 12498
Section/Block/Lot: 38.2-3-22.100
Zoning District: R3
Property Size: 5.01
Minimum Lot Area: 3 acres
Date Property Acquired: 11/7/2025

DATES AND PLACES:

Application: February 26, 2026
Legal Notice: March 18, 2026
Public Hearing: March 26, 2026 at 45 Comeau Drive, Woodstock, NY 12498 & Zoom
Public Vote: April 23, 2026 at 45 Comeau Drive, Woodstock, NY 12498 & Zoom

DISPOSITION

UCPB: N/A

NYSEQRA DETERMINATION:

In accordance with the guidelines set forth in 6 NYCRR Part 617.5 of the SEQR regulations and Section 65-13 of the TWEQR regulations, the Zoning Board of Appeals has determined that this application for area variances is classified as a Type II Action, which, by definition, does not have a significant effect on the environment and is exempt from environmental review.

ZBA DETERMINATION: GRANTED

RESOLUTION:

Based upon the Standards for Consideration of Area Variances and conditional upon compliance with stated representations, Area Variances from the Zoning Law of the Town of Woodstock, Article IV, Area & Bulk Regulations, Section 260-16 Attachment 2 Residential R3 (F), for a **25 foot** infringement into a required 50 foot side-yard setback in order to construct a 960 square-foot barn/workshop is hereby **GRANTED** subject to all requirements of the Zoning Law of the Town of Woodstock, the New York State Real Property Law and all other applicable laws, codes and regulations.

The vote was announced as follows: Judith Sillato: (), Joseph Belluck: (), Martin Mills: (), Gregg Goodbrod: (), Howard Harris: ().

THE RESOLUTION IS ADOPTED by a vote of () in favor, () opposed, () absent, and () abstaining.

NATURE OF REQUEST

The applicants request an area variance from the Zoning Law of the Town of Woodstock, Article IV, Area & Bulk Regulations, Section 260-16 Attachment 2 Residential R3 (F), for a **25 foot** infringement into a required 50 foot side-yard setback in order to construct a 960 square-foot barn/workshop on a 5.01 acre parcel.

SUMMARY OF STATEMENTS/EVIDENCE PRESENTED BY APPLICANT:

Mrs. Korn and Mrs. Davis were present and stated they want to build a space for an artist studio and they looked at several spots on the property, one is far too wet so it's impossible. The other is too close to the neighbors on the other side. Another option is too close to the stream, so the remaining space is the flattest, taking down the fewest trees and not visible from anyone else's house.

ADDITIONAL COMMENTS and claims regarding this application are summarized in the minutes of the Public Hearing of this case and are available along with any pertinent documents for inspection in the office of the Zoning Board of Appeals.

STANDARDS FOR CONSIDERATION OF AREA VARIANCES

New York State Town Law, Section 267-b(3)(b) establishes a statutory process for the consideration of requests for area variances which requires that the Zoning Board of Appeals balance two elements: the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the community or neighborhood that would occur if the variance were granted. The provision sets forth five factors which this Board must consider in balancing these interests. These factors and their application to the present case are as follows:

1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties created by granting the area variance.

This Board does not foresee an undesirable change in the character of the neighborhood should the side-yard variance for the barn/workshop be granted. The structure will have minimal visibility from surrounding properties and Zena Road. The applicants intend to preserve as many trees as possible in the forested area.

2. Whether the benefit sought by the Applicant could be achieved by some feasible method other than an area variance.

This Board finds that the infringement into the side yard is the most desirable location for the structure due to its accessible flat terrain and its minimal visual impact on surrounding properties and Zena Road.

3. Whether the requested area variance is substantial.

This Board has determined that the requested area variance is substantial but is mitigated by preservation of trees that provide visual screening to neighboring properties and Zena Road.

4. Whether the proposed area variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

This Board finds that the proposed variance would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood and that the proposed use is an ordinary and reasonable use of the property in the neighborhood. The Zoning Board of Appeals cannot project any potential adverse effect on available municipal, county and state facilities and services if this area variance is granted.

5. Whether the alleged difficulty was self-created.

A hardship is self-created where the Applicant for a variance knows, or should have known, of the restrictions from which relief is sought at the time of the application. This Board finds that in the instant case the difficulty is self-created in that the Applicant is deemed to have constructive knowledge of the Zoning Law. It is noted, however, that the fact that the difficulty is self-created, although a factor relevant to the decision of this Board, does not necessarily preclude the granting of this requested area variance.

CONCLUSION

In measuring this Application for area variances against the criteria for determining whether the relief sought should be granted, the Zoning Board of Appeals has exercised its discretion in giving weight to those factors listed above which indicate in favor of granting the area variance. The Board can discern no public purpose that would outweigh the benefit claimed by the Applicant in the instant case.

THE ZONING ENFORCEMENT OFFICER is hereby authorized to issue the necessary permits for the above-mentioned project at the location specified above in accordance with, and only to the extent provided for in, the Resolutions and Decision and Order herein of the Board, and upon compliance by the Applicant with the pertinent procedures contained in Section 260-99 of the Zoning Law of the Town of Woodstock, and other applicable laws, rules and regulations.

ZONING BOARD OF APPEALS, FILED WITH THE TOWN CLERK

BY _____ Date: _____

Judith Sillato, Chairperson

BY _____ Date: _____

THE APPLICANT IS HEREBY ADVISED:

1. Unless substantial work has been done in the execution of the area variances, if granted, within twelve (12) months from the date of filing in the office of the Town Clerk, this area variance shall become null and void.
2. The Applicant or any aggrieved party has the right to appeal this Decision by application to the Supreme Court of the State of New York through a proceeding under the provisions of Article 78 of the Civil Practice Law and Rules (CPLR) of the State of New York, provided that such appeal is initiated within thirty (30) calendar days of the filing of this Decision in the Office of the Woodstock Town Clerk, as indicated above.