

USE VARIANCE FINDINGS & DECISION

Case 2

OFFICE USE ONLY

Application No. UV- 2-2026
Date of Application: 12/16/25
(Postmarked or Hand Delivered)
Date of Public Hearing: 3/18/26
Date Notice Published: 3/2/26
Date of County Referral: 4/14
Date of Final Action:
Date of Filing of Decision with the
Municipal Clerk: 3/19/26

Applicant: David Schaub - Twinwood Forest,
LLC

Appeal Concerns Property at the following address:

Carpenter Road

County Tax Map Section: Block Lot

Zoning District Classification:

Use for which Variance is Requested: 200.28 & 200.41

Applicable Section of Zoning Code: 200.28 & 200.41
Permitted Uses of Property:

TEST: No use variance will be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. The following tests must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit.

1. The Applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial.: Yes No X

Proof: The applicant will simply not
be able to use the new/unpermitted
sheds. Modifications of the existing shed
could be an option.

ILLUSTRATIONS OF FINANCIAL EVIDENCE

- Bill of sale for the property, present value of property, expenses for maintenance
- Leases, rental agreements
- Tax bills
- Conversion costs (for a permitted use)
- Realtor's statement of inability to rent/sell

2. The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the zoning district or neighborhood.): Yes No X

Proofs: The applicant was given previous
acknowledgement that a permit was
required for building on property.

ILLUSTRATIONS OF UNIQUENESS

- Topographic or physical features preventing development for a permitted use
- Why would it be possible to construct the applicant's proposal and not any of the permitted uses?
- Board member observations of the property and surrounding area.

50

12
11
1

3. The requested use variance, if granted, will not alter the essential character of the neighborhood.: Yes X No X

Proof: No immediate neighbors have opposed
to the building of the sheds.

ILLUSTRATIVE
NEIGHBORHOOD
CHARACTER FACTORS

- Board members' observations of neighborhood.
- Expected effect of proposal on neighborhood, for example, change in parking patterns, noise levels, lighting, traffic.

12
11

4. The alleged hardship has been self-created. : Yes X No

Proof: The applicant was made aware of
issue well in advance of even purchasing
the property.

SELF-CREATED

- What were the permitted uses at the time the property was purchased by the applicant?
- Were substantial sums spent on remodeling for a use not permitted by zoning?
- Was the property received through inheritance, court order, divorce?

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after reviewing the above four proofs, finds:

- ☒ That the applicant has failed to prove unnecessary hardship through the application of the four tests required by the state statutes.
- ☐ That the applicant has proven unnecessary hardship through the application of the four tests required by the state statutes. In finding such hardship, the ZBA shall grants a variance to allow use of the property in the manner detailed below, which is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community:

(USE) _____

RECORD OF VOTE

		MEMBER NAME	AYE	NAY
	Chair	<u>Ed Wilk</u>	<u> </u>	<u>X</u>
	Member	<u>Mark Gentile</u>	<u> </u>	<u>X</u>
	Member	<u>Kevin Ingram</u>	<u> </u>	<u>X</u>
	Member	<u>Russ Clothier</u>	<u> </u>	<u>X</u>
	Member	<u>Mike [Signature]</u>	<u> </u>	<u>X</u>

USE VARIANCE FINDINGS & DECISION

OFFICE USE ONLY

Application No. UV- 2-2026
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Date of County Referral: —
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Date of Filing of Decision with the
Municipal Clerk: 3/19/26

Applicant: David Schaub - Twinwood Forest,
LLC

Appeal Concerns Property at the following address:

Carpenter Road

County Tax Map Section: _____ Block _____ Lot _____

Zoning District Classification: _____

Use for which Variance is Requested: Room 4th No accessory Building should
be as a Dwelling, no accessory Building should be built
before the main structure

Applicable Section of Zoning Code: 200.411, 200-28

Permitted Uses of Property: _____

TEST: No use variance will be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. The following tests must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit.

1. The Applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial.: Yes ___ No X

Proof: This property still has value
for other approved uses and could be
sold

ILLUSTRATIONS OF FINANCIAL EVIDENCE

- Bill of sale for the property, present value of property, expenses for maintenance
- Leases, rental agreements
- Tax bills
- Conversion costs (for a permitted use)
- Realtor's statement of inability to rent/sell

2. The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the zoning district or neighborhood.): Yes ___ No X

Proofs: This property is under the
same regulations as the other
properties in the same zone.

ILLUSTRATIONS OF UNIQUENESS

- Topographic or physical features preventing development for a permitted use
- Why would it be possible to construct the applicant's proposal and not any of the permitted uses?
- Board member observations of the property and surrounding area.

3. The requested use variance, if granted, will not alter the essential character of the neighborhood.: Yes___No X

Proof: This variance would allow for
habital structures to exist, in a
maner manner not like the rest of
the neiber hood

ILLUSTRATIVE
NEIGHBORHOOD
CHARACTER FACTORS

- Board members' observations of neighborhood.
- Expected effect of proposal on neighborhood, for example, change in parking patterns, noise levels, lighting, traffic.

4. The alleged hardship has been self-created. : Yes X No___

Proof: This land is not suitable for
the use ns stated in the code

SELF-CREATED

- What were the permitted uses at the time the property was purchased by the applicant?
- Were substantial sums spent on remodeling for a use not permitted by zoning?
- Was the property received through inheritance, court order, divorce?

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after reviewing the above four proofs, finds:

☒ That the applicant has failed to prove unnecessary hardship through the application of the four tests required by the state statutes.

☐ That the applicant has proven unnecessary hardship through the application of the four tests required by the state statutes. In finding such hardship, the ZBA shall grants a variance to allow use of the property in the manner detailed below, which is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community:

(USE) _____

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: _____

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

Condition No .3: _____

Adverse impact to be minimized: _____

Condition No. 4: _____

Adverse impact to be minimized: _____

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	_____	_____	_____
 Member	<u>Kevin Ingram</u>	_____	<u>X</u>
Member	_____	_____	_____
Member	_____	_____	_____
Member	_____	_____	_____

USE VARIANCE FINDINGS & DECISION

Applicant: David Schaub - Twinwood Forest, LLC

Appeal Concerns Property at the following address:

Carpenter Road

County Tax Map Section: _____ Block _____ Lot _____

Zoning District Classification: _____

OFFICE USE ONLY

Application No. UV- 2-2020

Date of Application: 12/16/25

(Postmarked or Hand Delivered)

Date of Public Hearing: 3/18/26

Date Notice Published: 3/12/26

Date of County Referral: 1

Date of Final Action: -

Date of Filing of Decision with the

Municipal Clerk: 3/19/26

Use for which Variance is Requested: _____

Applicable Section of Zoning Code: _____

Permitted Uses of Property: _____

TEST: No use variance will be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. The following tests must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit.

1. The Applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial.: Yes ___ No X

Proof: THE PROPERTY CAN BE USED REASONABLY

AS-IS. ANY FINANCIAL ISSUES ARE SELF

MADE.

ILLUSTRATIONS OF FINANCIAL EVIDENCE

- Bill of sale for the property, present value of property, expenses for maintenance
- Leases, rental agreements
- Tax bills
- Conversion costs (for a permitted use)
- Realtor's statement of inability to rent/sell

2. The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the zoning district or neighborhood.): Yes X No X

Proofs: NO MAIN BUILDING, BEING USED AS LIVING

QUARTERS

ILLUSTRATIONS OF UNIQUENESS

- Topographic or physical features preventing development for a permitted use
- Why would it be possible to construct the applicant's proposal and not any of the permitted uses?
- Board member observations of the property and surrounding area.

3. The requested use variance, if granted, will not alter the essential character of the neighborhood.: Yes X No

Proof: AREA HAS MULTIPLE RECREATIONAL TYPE
RESIDENTS (VERMONT HILL CLUB) ALSO HAS EXISTING
BUILDINGS

ILLUSTRATIVE
NEIGHBORHOOD
CHARACTER FACTORS

- Board members' observations of neighborhood.
- Expected effect of proposal on neighborhood, for example, change in parking patterns, noise levels, lighting, traffic.

4. The alleged hardship has been self-created. : Yes X No

Proof: ALL VARIANCES ARE SELF CREATED.

SELF-CREATED

- What were the permitted uses at the time the property was purchased by the applicant?
- Were substantial sums spent on remodeling for a use not permitted by zoning?
- Was the property received through inheritance, court order, divorce?

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after reviewing the above four proofs, finds:

☒ That the applicant has failed to prove unnecessary hardship through the application of the four tests required by the state statutes.

☐ That the applicant has proven unnecessary hardship through the application of the four tests required by the state statutes. In finding such hardship, the ZBA shall grants a variance to allow use of the property in the manner detailed below, which is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community:

(USE) _____

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: _____

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

Condition No. 3: _____

Adverse impact to be minimized: _____

Condition No. 4: _____

Adverse impact to be minimized: _____

Chairman, Zoning Board of Appeals Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair			
Member	RUSS CLOTHIER		X
Member			
Member			
Member			

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: David Schaub - Twinwood Forest, LLC.

Appeal Concerns Property at the following address:

Carpenter Road SBL#216.00-1-30

County Tax Map Section: _____ Block _____ Lot _____

Zoning District Classification: _____

OFFICE USE ONLY

Application No. AV- 2-2021

Date of Application: 12/16/25

(Postmarked or Hand Delivered)

Date of Public Hearing: 3/18/26

Date Notice Published: 3/2/26

Date of County Referral: 1/

Date of Final Action: -

Date of Filing of Decision with the

Municipal Clerk: 3/19/26

Requirement for which Variance is Requested: _____

MAJOR CABIN

Applicable Section(s) of Zoning Code: 200-13 & 200-52

TEST: No area variance will be granted without a consideration by the board of the following factors:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes ___ No X

Reasons: 200-13 No / 200-52 Yes No

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes X No ___

Reasons: Modification to existing sheds is feasible

3. Whether the requested variance is substantial: Yes ___ No X

Reasons: 200-13 No / 200-52 Yes No

IN the context of an inhabitable shed, small concern

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No X

Reasons: Little to no impact on neighbors

5. Whether the alleged difficulty was self-created: Yes X No ___

Reasons: Always the case

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

☐ the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

☒ the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: I do not see any specific issues / concerns
w/ these ASA variances.

The ZBA further finds that a variance of _____ from Section _____ of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: Perhaps

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

Chairman, Zoning Board of Appeals

Date

RECORD OF VOTE

MEMBER NAME

AYE NAY

Chair
Member
Member
Member
Member

Ed Wilkowsk
Kevin Ingram
Ross Clough
Mark Gerber
Mark D.

X _____
_____ X
_____ X
_____ X
_____ X

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: David Schaub - Twinwood Forest, LLC.

Appeal Concerns Property at the following address:

Carpenter Road SBL#216.00-1-30

County Tax Map Section: _____ Block _____ Lot _____

Zoning District Classification: _____

OFFICE USE ONLY

Application No. AV- 2-2021

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Date of County Referral: _____

Date of Final Action: _____

Date of Filing of Decision with the

Municipal Clerk: 3/19/26

Requirement for which Variance is Requested: Habitable

Dwelling must be constructed on a continuous full enclosed foundation,
Not enough frontage

Applicable Section(s) of Zoning Code: 200-13, 200-52

TEST: No area variance will be granted without a consideration by the board of the following factors:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes ___ No X

Reasons: There are other property's with similar sized
structure

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes X No ___

Reasons: These structures could be brought up to code with
modifications

3. Whether the requested variance is substantial: Yes X No ~~X~~

Reasons: not as a storage shed but as a dwelling
it would

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No X

Reasons: not as a storage shed it but as a dwelling
it would.

5. Whether the alleged difficulty was self-created: Yes X No ___

Reasons: This could have been avoided by getting
a permit.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

☒ the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

☐ the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: Reasons this could have been avoided by
getting a permit, and these changes could be avoided

The ZBA further finds that a variance of _____ from Section _____ of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: _____

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

Chairman, Zoning Board of Appeals

Date

RECORD OF VOTE

MEMBER NAME

AYE NAY

Chair
Member
Member
Member
Member

Kevin Ingram

X

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

Applicant: David Schaub - Twinwood Forest, LLC

Appeal Concerns Property at the following address:

Carpenter Road SBL#216.00-1-30

County Tax Map Section: _____ Block _____ Lot _____

Zoning District Classification: _____

OFFICE USE ONLY

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Date of Application: 2/16/25

(Postmarked or Hand Delivered)

Date of Public Hearing: 3/18/26

Date Notice Published: 3/2/26

Date of County Referral: _____

Date of Final Action: _____

Date of Filing of Decision with the

Municipal Clerk: 3/19/26

Requirement for which Variance is Requested: _____

Applicable Section(s) of Zoning Code: _____

TEST: No area variance will be granted without a consideration by the board of the following factors:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes ___ No X

Reasons: NO COMPLAINT OR OBJECTION FROM NEIGHBORS

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes X No ___

Reasons: MAKE REPAIR TO EXISTING STRUCTURES

3. Whether the requested variance is substantial: Yes X No ___

Reasons: ALL VARIANCES ARE SUBSTANTIAL

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No X

Reasons: USE DOES NOT VARY FROM REST OF AREA

5. Whether the alleged difficulty was self-created: Yes X No ___

Reasons: ALL VARIANCES ARE SUBSTANTIAL & SELF CREATED

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

☒ the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

☐ the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: _____

The ZBA further finds that a variance of _____ from Section _____ of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: _____

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

Chairman, Zoning Board of Appeals Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	_____	_____	_____
Member	<u>Russ Clothier</u>	_____	<u>X</u>
Member	_____	_____	_____
Member	_____	_____	_____
Member	_____	_____	_____