

Since 1876

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Re: Yadgard Area Variance Application

Dear Christine:

11 2nd Ave NE, Suite 360
St Petersburg, FL 33701

Pursuant to Town Code section 165-115, this correspondence is an appeal of the determinations of Jonathan Ialongo, an administrative officer of the Town, who issued a building permit for a pool and related improvements on the Yadgard property. This appeal relates to his determinations of November 5, 2025 and December 10, 2025, copies of which are enclosed. I am writing this letter because there are no forms on the Town web-site I could locate, for this appeal.

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There are two primary issues. First, Mr. Yadgard and the ZBA conditioned the variances on new screening, not existing screening. From Mr. Ialongo's determinations, it is not clear if Code is being complied with, how the conditions imposed by the ZBA will be enforced, or if the new screening that was promised will be provided.

Code section 165-61 C. provides that "if a pool will be visible from a neighbor's residence or from a public road, it and its associated equipment shall be adequately screened to the satisfaction of the Zoning Administrator." (Emphasis added).

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The purpose of this section is to ensure the pool will not be *visible*. We understand that the ZBA has already determined that the pool fence be moved into the property, and that screening be placed between the pool fence and the already-existing natural screening. However, the December 12, 2025 letter suggests nothing new will be planted. That is objectionable. There must be full and complete screening and the existing screening does not do that.

Second, Mr. Ialongo's determination also makes it clear that the non-conforming shed is being used for a use it has not been used for before, and that the building will be changed. He also confirms that exhaust and fumes from the pool heater will be vented toward the Cornell property, right on the boundary. He also seems to indicate no building permit is needed for the modifications.

Section 165-84 C. of the Town Code provides that:

C. No nonconforming use of land, buildings, or other structures shall be changed to any use which is substantially different in nature or purpose from the existing nonconforming use, except to a use which is permitted in the district in which the land, building, or other structure is located, unless the Zoning Board of Appeals finds that the new use will have no greater injurious impact upon the surrounding area than the existing use.

This shed is within the rear and side yard set backs and is a non-confirming use of the land. It is not now used to house mechanical equipment for a pool. Exhaust, fumes, noise and potential salt water are to be emitted from it, right on the boundary. This is clearly an injurious use that does not take place now. There is no reason the applicant should not move the equipment, within the lot and outside setbacks, given that the ZBA has already granted every request he has asked for. This, again, imposes on a neighbor, and places the equipment as far from the Yadgard home as possible.

If this is permitted, then the why not allow sleeping quarters in the shed as well? Non-conforming buildings should not be permitted to be changed in a way that harms a neighbor.

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Furthermore, changes to an existing, non-conforming shed are not exempt from a building permit under the Town Code (regardless of what the State Code may state). The construction or installation of a shed under 144 square feet may be exempt under Code section 74-5), but this is the *modification* of an existing, non-conforming shed. It is not exempt from a building permit.

Pursuant to Town Code section 165-115, subsection I, the law provides:

Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies for the Zoning Board of Appeals, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, it would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Supreme Court on application, on notice to the Zoning Administrator for due cause shown.

Based upon a plain reading of this law, any work under the permit must be stopped until this appeal is decided. The hole that was dug for this intended pool can be filled in should there be any alleged danger. Therefore, there is no valid basis for any claim that imminent peril to life or property exists.

Thank you for your consideration and please confirm that Mr. Ialongo has put a stop work order on the permit.

Very truly yours,

CORBALLY, GARTLAND AND
RAPPLEYEA, LLP



Allan B. Rappleyea

ABR/s

encl.

cc: Kyle Barnett (via email)
Jonathan Ialongo (via email)
Marc Romanowski (via email)



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11/5/2025

RE: 610 Stanford Road; Tax ID Number: 6766-00-042590

This letter is in regards to the pool equipment associated with the project at said property. Pool equipment installation is included in the Building Permit issued for the construction of the pool. No additional permit is required. The equipment being housed in the shed would not require any additional approval. As for the installation of the equipment in the shed, the Residential Code of New York State has no requirements for pool equipment. Installation is to be done to manufacturer instructions. The need for ventilation, clearances, etc. would be based on the manufacturer. If any modification of the shed is required, excluding expansion or structural changes, no Building Permit would be required. In terms of the screening/ fencing for the pool. The Town of Washington Zoning Code only regulates fences over 6 ½' and the NYS required pool barrier. The agreed screening/ fencing that is part of the resolution would be inspected for compliance with the agreed upon approval. For any questions or concerns, please contact the Town of Washington Building Department.

Sincerely;

Building Inspector/ Zoning Administrator



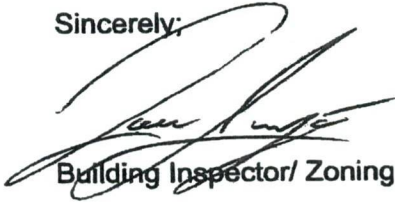
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12/10/2025

RE:610 Stanford Road; Tax ID Number: 6766-00-042590

This letter is in regards to the review of the requirements of the current resolution in regards to the variance for the installation of an inground pool at said address. The first requirement reviewed was for the relocation of the fencing. Fences under 6' 6" and not part of the actual New York State Compliant pool barriers are not regulated under the Town of Washington Zoning therefore, there are no requirements from the Building Department for the relocation of the fencing. The applicant has agreed to relocate the fence further onto the property at the complainants request and may do so without a Building Permit as one would not be required for fencing. The second matter reviewed was in regards to the current foliage that provides natural screening between the properties. The updated screening plan keeps the existing foliage in place and no removal required. The current natural screening predominantly obscures the neighboring property and that level of screening/ privacy will be maintained with the updated screening plan. The final requirement that was reviewed was for the installation of the pool equipment in an existing shed. The shed itself would not have required a permit under the New York State Uniform Code. There are no independent requirements for the installation of pool equipment under the Code, only that installation be made under manufacturer instructions. After review of the manufacturer instructions, interior installation is allowed as long as proper clearances and ventilation is maintained. The instructions also allow for installation on combustible flooring. As such, as long as a minimum of 6" is maintained on all sides of the equipment from combustibles, no alterations would have to be made to the size of the shed and being that the shed itself would not have required a Building Permit, no Permit would be required for any modifications. The only alterations would be the cutting of holes, at largest 8" for venting per manufacturer instruction and Table 504.2(1) of the Fuel Gas Code of New York State, and 3" for combustion air intake per manufacturer instruction. Therefore, there would be no need for a variance or a Building Permit for the installation inside the existing shed. It is the determination of the Building Inspector that the applicant meets all the requirements of the resolution and allows for the re-issuance of the building permit for the pool. For any questions or concerns, please contact the Town of Washington Building Department.

Sincerely;

A handwritten signature in black ink, appearing to read "Sean R. [unclear]". The signature is fluid and cursive, with a large initial letter.

Building Inspector/ Zoning Administrator

