

Zoning Board of Appeals  
Thomas Paczkowski  
August 20, 2011

Approved 4-28-12

The meeting was called to order by Chairman Barto at 9:30 a.m. Roll call attendance is as follows:

Steve Barto present  
Julie Thompson present  
Ford Knight present  
Pete Keefer present  
Mike Cleere present

Pete Keefer motioned with a second from Mike Cleere to open the public hearing at 9:32 a.m. Vote: 5/0

Mr. Eggleston said that everything submitted still stands and mentioned additional information that was submitted by Kevin Cox rebutting some legal aspects and comments made at the public hearing (7/21/11), see attached. Jon Gustafson mentioned all the paperwork. He is losing out on privacy. "If paperwork was done right, everybody would have been involved in this the right way instead of having to go through all this."

Ford Knight motioned with a second from Mike Cleere to close the public hearing at 9:34 a.m. Vote: 5/0

Pete Keefer motioned with a second from Julie Thompson to discuss the application. Vote: 5/0

Chairman Barto had an issue should the variance be granted. He wanted a contingency concerning the railings on the south side upper deck to be covered with tight weave lattice. Ford Knight mentioned the privacy issue...the purpose of the lattice. He also mentioned the ramp connecting the upper decks be flush with the front side of the building on the south side. It is just a walkway. Chairman Barto didn't see a problem extending the lattice. He continued that the contingency would be on the upper deck facing south from the railing up to the roof line, on the porch. Attorney Marsh added that the setback is only encroaching 2.7 feet. Chairman Barto is also requesting completion of both (variances) within 60 days of the Planning Board hearing. Attorney Marsh clarified that there will be a decision on Wednesday (August 24) within the 62 day limitation in the code.

Next to be discussed are the criteria concerning an area variance. Attorney Marsh reminded the board that this is a balancing test of the benefit to the applicant versus the detriment to the neighborhood.

1. Will there be an undesirable change in the character of the neighborhood, or detriment to the nearby property?

Chairman Barto said there is some privacy issue, but by adding the lattice will correct that. Answer is no, all members present agreed with the exception of Ford Knight who it is still the issue of privacy. The lattice will help. The deck is high up where Jon (Gustafson) has his lakefront – infringement on his privacy.

2. Can the applicant achieve this benefit from some other feasible means other than the area variance? All members present said no.
3. Is the area variance requested substantial? Ford Knight said it is substantial. Julie Thompson mentioned the 2.7 feet. The remaining members present said it was not substantial.
4. Will the variance have an adverse affect on the physical and environmental condition of the neighborhood? All members present said no.
5. Is this a self-created hardship? Ford Knight said it is. The remaining members present see no hardship.

Chairman Barto motioned with a second by Pete Keefer to approve the variance with the following contingencies:

- 1 Front decks - removal within 60 days from the 8/24 Planning Board meeting, if they approve.
- 2 Tight weave lattice from the railing to roof line on the south facing upper deck.

Roll Call Vote:           Mike Cleere, yes  
                                  Steve Barto, yes  
                                  Julie Thompson, yes  
                                  Pete Keefer, yes  
                                  Ford Knight, no

Ford Knight motioned with a second by Julie Thompson to accept the Ira Martin minutes from 8/13. Vote: 5/0

Mike Cleere motioned with a second by Pete Keefer to adjourn at 9:55 a.m. Vote: 5/0

Respectfully submitted,

Susan Hensel  
ZBA Clerk