

APPROVED
2-17-2014

Zoning Board of Appeals Meeting
William and Debra Warner
8/14/2013
7:00 pm

The meeting was called to order at 7:01 pm by Chairman Barto.

Roll Call Attendance:

Pete Keefer here

Ford Knight here

Chairman Barto here

Julie Thompson arrived late at 7:05 pm

Mike Cleere here

Ford Knight motioned with a second by Mike Cleere to approve the minutes from the April 24, 2013 meeting, as written.

Ford Knight motioned with a second from Pete Keefer to open the public hearing at 7:03 pm.

Neighbor Sharon Sorg read a prepared statement describing the residential area and stating concerns. See Attachment #1, which also involves her concerns for the signed Sales Contract for her home, closing soon. It was based on the property as it is NOW. Main concerns were the magnitude and scale of the project having an adverse affect, the right-of-way strip access to their property can not sustain the construction equipment for this project. The parcel the Warners own is very tiny. There is no room to store equipment and materials for this project. Another concern is the big pole barn stretching to the property lines. This would seriously affect the character of the neighborhood.

Neighbor Tim Lesslie clarified that the 14 foot property is their lake access, used daily. He has a concern of getting squeezed. Mrs. Lesslie added that it is not a right-of-way/road to the lake. They own it. It is their private piece of property. See Attachment #2.

Attorney Marcus added that none of the criteria for an area variance have been addressed. He is Sharon Sorg's attorney. He referred to a fax that was followed up with an email. See Attachment #3.

Neighbor Andy Batty's major concern is the appearance of business use of the property. It is ¼ acre. Mrs. Warner said they decided that this is not what they are going to do. He is ready to retire (Mr. Warner)...no business. Mr. Batty continued, with not needing the large garage. Mrs. Warner said they have a lot of vehicles, 2 boats that need the capability to be housed instead of out in yard. They have searched for other property that would be suitable, but have not found any.

Mr. Sorg added that the sketches are not clear. He wonders how they can do the project in that amount of space without affecting the owners around it.....construction vehicles, people, dumpsters...can't go on neighbors' property.

Mike Cleere motioned with a second from Ford Knight to close the public hearing at 7:28 pm.

Mike Cleere motioned with a second from Julie Thompson to discuss and consider the application.

Ford Knight passed around pictures he took, which have become part of the application file.

Chairman Barto talked about the proposed garage being an obstruction if someone wanted to build on the property behind it. He said there is room to add another 12' addition and still meet the setback. Chairman Barto does not want to grant anything on the garage. He said again they could go another 12 feet and put a second story on it. As long as the 35' height requirement was met, they would not need a variance. Mike Cleere noted that on the (proposed) garage, they would be right on the property line.

Ford Knight read an email from neighbor Marty Carlin, who could not attend. See Attachment #4. Ford Knight noted that every neighbor is opposed to this, and he is not comfortable with a 3' - 4' setback from the line. Other neighbors have huge lots, then this tight little property (proposed construction) does not meet the character of the neighborhood. Chairman Barto believes the garage is out of proportion for the area. Mr. Warner said he needed an additional foot to put footer in on north side. Contractor, Mike Hathaway, said the retaining wall would be the foundation of the garage. They are not tearing down the existing garage, they are taking the roof off. Ford Knight and Chairman Barto said they needed a new plan for what the revised garage will be. Chairman Barto suggested they withdraw the application for the garage portion and come back with a revised plan. Mr. Warner was in agreement with him and withdrew the garage portion of his application. Chairman Barto clarified it by saying when they apply again, it is a re-application and application fee.

In the discussion for the house, Chairman Barto explained that they are asking for encroachment on the south side, requesting a 7' setback. They will be also coming off the back of the house, not interfering with the septic system. Chairman Barto noted that they want to be year round there, and that he felt this was a reasonable request, noting other two story homes in the area. He does not see coming in by 3 feet to be a problem. He believes it is a fair and reasonable request.

Criteria for Area Variance

- a. Will there be an undesirable change in the character of the neighborhood or a detriment to the nearby properties?

Ford Knight said yes. He is not comfortable moving closer to the line. The remaining Zoning Board of Appeals members in attendance said no.

- b. Can the applicant achieve the benefit by some method, feasible for the applicant to pursue, other than an area variance?

All Zoning Board of Appeals members in attendance said no.

- c. Is the area variance requested substantial?

All Zoning Board of Appeals members in attendance said no.

- d. Will the variance have an adverse affect on the physical and environmental condition of the neighborhood?

All Zoning Board of Appeals members in attendance said no.

- e. Is this a self-created difficulty? All Zoning Board of Appeals members in attendance said no.

Mike Cleere motioned with a second from Julie Thompson to act on the application. Chairman Barto announced that a yes vote is to approve, a no vote is to decline the request for an area variance for the house.

Roll Call Vote:

Pete Keefer	yes	Julie Thompson	yes
Ford Knight	no	Mike Cleere	yes
Steve Barto	yes		

Vote 4 in favor, one against. The variance for the house is granted. Mrs. Warner said they will get an engineering plan now and they are aware they have to go before the Planning Board.

Mike Cleere motioned with a second from Pete Keefer to adjourn the meeting at 8:01 pm
Vote 5/0

Respectfully submitted,

Susan Hensel, ZBA Clerk