

APPROVED

6-30-15

Ronnie Rasmussen  
3942 MacDougall Rd.  
24-1-02  
November 20, 2014  
7:00 PM

The meeting was called to order by Chairman Barto at 7:04 PM.

Roll Call Attendance:

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

Mike Cleere motioned with a second from Ford Knight to approve the August 26, 2014 minutes as written. Vote 5/0

Mike Cleere motioned with a second from Julie Thompson to open the public hearing at 7:09 PM. So moved.

Chairman Barto inquired as to when the previous porch was torn down. Mr. Rasmussen said from his recollection, it was torn down in the fall of 2011 by one of his tenants. The materials went to the Town's fall cleanup. He said he wants to bring the porch 8 ½ feet out and 7' to each end of the building to look nice, which would be 7' on each side more than the previous porch.

Ford Knight motioned with a second from Mike Cleere to close the public hearing at 7:11 PM. Vote 5/0

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

Chairman Barto noted that if denied, Mr. Rasmussen wants to construct the original porch. Steve added for the record, in the Zoning Law, Article VII, Section 700 C1, "In any district, whenever a non-conforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one (1) year, such non-conforming use shall not thereafter be re-established, and all future uses shall be in conformity with the provisions of this local law." Chairman Barto noted how close this is to the road. The house is 33 feet to the road, with the porch coming out 8 ½ feet, that would make 24 ½ feet from the road. The whole house is coming out with the porch to go the whole length. Ford Knight's concern was closeness to the road and cars going 55 mph. Mr. Rasmussen said it was a mistake to tear down post, he didn't know the rules. He said the average person would say the same thing-if torn down, could put back up. Chairman Barto said he is encroaching the setback and that is substantial. The county

road setback is 50' and the town setback is 25 more. Right now not even the 50 foot setback is met. Chairman Barto showed some pictures.

Mr. Rasmussen now wants to put up what was there before. Will make it a nice place. Julie Thompson inquired if the old porch was out 8 ½ feet. It was.

#### Criteria for Area Variance

- a. Will there be any undesirable changes in the character of the neighborhood, or detriment to nearby property? Chairman Barto noted there will be quite a change on the setback. Mike Cleere and Ford Knight agreed. Julie Thompson and Pete Keefer disagreed.
- b. Can the applicant achieve this benefit from some other feasible means other than the area variance? Chairman Barto, Mike Cleere, and Ford Knight said yes. Other options are available, such as putting the door somewhere else or steps like a wedding cake. Pete Keefer and Julie Thompson disagreed.
- c. Is the area variance requested substantial? All Zoning Board of Appeals members in attendance agreed that the variance requested is substantial.
- d. Will the variance have an adverse affect on the physical and environmental condition of the neighborhood? Chairman Barto and Mike Cleere said yes, too close on a 55 mph road. Julie Thompson, Ford Knight and Pete Keefer disagreed.
- e. Is this a self-created difficulty? All Zoning Board of Appeals members in attendance said yes. The porch was abandoned according to the Zoning Law.

Various different sizes of porches were discussed, some with a roof, some without a roof. Also, a railing may be needed, would have to check with the Zoning Officer and County. Chairman Barto suggested a 6' x 8' porch, and mentioned the abandonment of the old porch again. Julie Thompson had no concern the 6' x 8' porch. Chairman Barto said they are trying to compromise. Pete Keefer wants it to look right. Chairman Barto added when a change is made, you try to bring it into compliance. This would bring it somewhat into compliance. Ford looked on a laptop to view the character of the community. Chairman Barto stated that they are trying to make him come in to somewhat compliance. Mike Cleere read from a Zoning Board of Appeals book that states "When granting either a use or an area variance, a zoning board of appeals must grant the minimum variance that it deems necessary and adequate, while at the same time preserving and protecting the character of the neighborhood and the health, safety and welfare of the community. Thus, the board need not grant to an applicant everything

he/she has asked for. Rather, the board is required to grant only the approval that is absolutely necessary to afford relief.”

Concerning rebuilding, Mr. Rasmussen again mentioned mistake of tearing down old porch. He didn't think anyone in the county would know that, referring to abandonment. Chairman Barto added you should consult with the town, consult with the county to find out what the codes are.

Mr. Rasmussen inquired about a porch coming out 5 ½ feet with concrete, no roof, to fit with the steps. Chairman Barto said he (Mr. Rasmussen) would have to check with the Town and County. Chairman Barto is uncertain if can do this, blocks, a deck and cinder blocks is a building. Only going to focus on this porch.

Ford Knight shared that looking at the community on the laptop, most of the houses are not as close as his house.

Chairman Barto offered a proposal to let him come out 6' x 8' including a roof . Steps are not a problem. Can use blocks, wood, concrete. Only 6' x 8'. Once this is given, it stays with the property.

Chairman Barto motioned, with a second by Mike Cleere to approve only a 6' x 8' porch with a roof.

Roll Call	Pete Keefer	Yes
	Ford Knight	Yes
	Julie Thompson	Yes
	Mike Cleere	Yes
	Steve Barto	Yes

Chairman Barto noted the sunset clause. There is 1 year from tonight's date to put on the porch, otherwise must reapply.

Ford Knight motioned with a second from Mike Cleere to adjourn the meeting at 8:15 pm. Vote 5/0

Respectfully submitted,

Susan Hensel  
ZBA clerk