

MINUTES

Zoning Board of Appeals
Special Meeting
September 15, 1999

Present: Jerry Bierschbach, Ray Colville, George Colby, Ken Devergilio and Howard Slasor
Absent: None

A special meeting was held at 10:30 A.M. on 9/15/99 at the building site of George Dunn , 505 Queensway Drive to review the new information presented 9/13/99 at the Public Hearing for his variance request. At the 9/13/99 Public Hearing, the following was presented:

Variance request #99-7 submitted by George Dunn of 505 Queensway Drive to place a 10 x 10 x 12 foot storage building 25 feet from the waters edge....a variance of 10 feet. George Dunn represented himself and a neighbor, Marilyn Dewey voiced concerns about the location since she felt it would obstruct their view from the rear of their home, which is the road side. Ed Spayd reported that another neighbor, Jack Walker, was not opposed to the variance. Mr. Dunn stated he felt the location selected was ideal since it would be placed in a clump of trees; would be professionally built and not be any eyesore in any manner, plus his lot is irregular in shape and this is the only location suitable without spoiling his view from the front (lake side) of his home. He could place it closer to the road and meet the setback requirement, but then it would be entirely visible from the road. *New information was introduced regarding pine trees and a berm to be placed on the road side.* In view of this new information, a motion was made by Ken Devergilio and seconded by George Colby to **table this request** so the board members could once again review the property. Motion passed 5 - 0. Board members will meet at the site at 10:30 A.M on Wednesday September 15, 1999.

September 15, 1999

It was noted that the berm will be placed very near the road and will have three (3) fifteen foot (15) pine trees planted on it. It was also noted that the building site selected would sit 28 feet from the water's edge and if moved towards the road, they could easily meet the 35 foot setback. However, this location, closer to the road, would be less aesthetically pleasing than the original site. George Colby pointed out that Article XII, 12.02 (2) of the zoning regulations states: "On waterfront lots a setback of 25 feet from the ordinary high water mark of the lake to the nearest part of any principal structure or building shall be required." This appears to contradict Article V, section 5.07. A motion was made by Howard Slasor and seconded by George Colby to grant this variance request because: (1) The plight of the property owner is somewhat due to the unique shape of the lot. (2) Article XII, 12.02 (2) of the zoning regulations states the requirement is only 25 feet. (3) With the berm and pine trees the building will not be seen by the neighbors. (4) That the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. **Motion carried 3 - 2** (Slasor, Colby, Bierschbach voted "Yes" and Devergilio and Colville vote "No")

Respectfully, Jerry Bierschbach - Chairman (Zbam915)