

# Town of Horicon

## ZONING BOARD OF APPEALS

**Minutes of July 27, 2010**

**Members Present:** Gary Frenz, Cheryl Erickson, Dan Smith Alternate: Thad Smith

**Members Absent:** Priscilla Remington, Jim Steen, Curt Castner

**Others Present:** Counsel to Boards Mike Hill, Zoning Administrator Gary McMeekin

**Guests Present:** Bill McGhie, Tommy Johansen, Charles Jelinke, Michael Whitehead

### **Pledge**

Regular Meeting called to order by Gary Frenz. Dan Smith made a motion to approve the minutes as corrected 2<sup>nd</sup> by Curt Castner. All Ayes.

### **NEW BUSINESS:**

**File #2010-23 AV Tax Map 70.-2-16 Hayes, Charles** seeking a 3.650 density variance and a 200' road frontage variance for Lot 2B and a 3.738 density variance and a 200' road frontage variance for Lot 2A for a 2 lot subdivision located at 63 Valentine Pond Rd in the RRD-10 acre zone. Priscilla Remington asked how this proposal was different than the last. Gary McMeekin stated that the applicant had the map revised to show the correct zones and to adjust the lot acreage adding that the road frontage variances would remain the same as the previous proposal. After a brief discussion Gary Frenz made a motion to deem the application complete and schedule a public hearing, 2<sup>nd</sup> by Cheryl Erickson. All Ayes.

**File # 2010-35 AV Tax Map 39.17-1-6 Whitehead, Michael** seeking a 35' roadway setback and a 3' side-yard setback variance add an egress from second story of home located on 7887 State Rte 8 in the R1-1.3 acre zone. The applicant explained his project, that he has received approval to add a bedroom but there is no conforming egress to the loft space and needs a stairway on the exterior of the home, the footprint of the building is remaining the same but building up. After a brief discussion Cheryl Erickson made a motion to deem the application complete and schedule a public hearing, 2<sup>nd</sup> by Dan Smith. All Ayes.

### **PUBLIC HEARING:**

**File #2010-10AV Tax Map # 37.-1-26.2 Brian and Tracy Johnson** seeking 224.20' road frontage variance for Lot #1 and a 175.59' road frontage variance for Lot #2 for a two-lot subdivision on parcel located at 136 Johnson Road in the LC-10 acre zone. Brian Johnson stated that the two lots would share a driveway, the present deed restriction precludes the parcel from being subdivided but received a verbal approval from the previous owners and will obtain agreement in writing. Lengthy discussion ensued regarding the restricted area. Brian Johnson stated that there would be no building or development of the restricted area and that would remain in effect. Being no further comments or questions, Cheryl Erickson made a motion to close the public hearing, 2<sup>nd</sup> by Thad Smith. All Ayes

### **UNFINISHED BUSINESS:**

**File #2010-10AV Tax Map # 37.-1-26.2 Brian and Tracy Johnson** seeking 224.20' road frontage variance for Lot #1 and a 175.59' road frontage variance for Lot #2 for a two-lot subdivision on parcel located at 136 Johnson Road in the LC-10 acre zone. The board reviewed the criteria in detail: Whether the benefit can be achieved by other means feasible; All board members agreed that the density is conforming so dividing the property in half would be the only logical way to subdivide. Would there be an undesirable change in the neighborhood character or nearby properties; The board agreed that this proposal would be in keeping with the neighborhood, all development would not be in site of the road, this

is a heavily dense area, the neighbors concur to the proposal, there is no negative impact as the restricted area will remain, Whether the request is substantial; The board agreed that one variance request is greater than 50% , one is less than 50% but the properties will share the driveway there will be no widening of the driveway and have no additional homes on the road. Whether alleged difficulty is self-created; the board agreed that the applicant knew of the restrictions when they purchased the property but the manner of the subdivision has the least negative effect. Cheryl Erickson stated that mathematically the driveway is near the middle of the parcel and without moving the driveway, this is the minimum variance necessary. The board then discussed the APA's criteria; There is no detriment to the adjoining neighbors as the density is within the allowed area, there is not adverse public comment, no objections, no new development near the road and the buffer between the neighbors will remain. There is no feasible method, other than a variance to subdivide this parcel. The manner in which this difficulty arose is due to the applicant downsizing and is impeded with the existing condition of the parcel. If granted would the request effect the natural and scenic, shoreline, open space; The board agreed that there is no shoreline and there would be no adverse effects. Brian Johnson stated that the barn could be retrofitted to a single family dwelling and may not be further developed. If approved, the board could impose reasonable conditions; The board agreed that the deeds to include language regarding the restricted area to remain undeveloped. Dan Smith made a motion to approve the variance with the condition as discussed, 2<sup>nd</sup> by Cheryl Erickson. All Ayes.

#### **PUBLIC HEARING:**

**File # 2010-10 AV Tax map # 55.10-1-22 Golden Pond LLC/Farrell** seeking a 45' shoreline setback variance to build a new home on parcel located at 686 Palisades Road. As no new information has been received, Dan Smith made a motion the table this application until the applicant is prepared to go forward, 2<sup>nd</sup> by Thad Smith. All Ayes

#### **UNFINISHED BUSINESS:**

**File #2009-35AV Tax Map 89.5-1-11 Dan and Deanne Paull** seeking a .20 acre density variance to be defined as a Farm. Full or Part Time under the definition section of the Zoning Code. Jim Steen stated that this is a difficult decision. The applicant has requested this matter be tabled. Thad Smith made a motion to table this matter, 2<sup>nd</sup> by Dan Smith. All Ayes.

**BOARD PRIVILEGE:** Gary Frenz stated that a committee should be formed to discuss the % of home on lots; Big homes on small lots.

Mike Hill suggested that a decision regarding the Paull file should be put into a draft by a board member.

There being no further business before the board, Chair Gary Frenz adjourned the meeting at 8:10 PM

Respectfully Submitted.  
Christine Smith-Hayes, Secretary