

# Town of Horicon

## ZONING BOARD OF APPEALS

**Minutes of December 28, 2010**

**Members Present:** Gary Frenz, Priscilla Remington, Cheryl Erickson, Jim Steen, Curt Castner, Alternate: Thad Smith

**Members Absent:** Alternate Dan Smith

**Others Present:** Counsel to Boards Mike Hill, Planning Board Member: Matt Simpson

**Guests Present:** Michael Hough.

### **Pledge**

Regular Meeting called to order by Chairman, Gary Frenz. Cheryl Erickson made a motion to accept the November minutes as corrected 2<sup>nd</sup> by Curt Castner. All Ayes.

### **PUBLIC HEARING:**

**File # 2010-37 AV Tax Map 54.2-1-14 Philip and Susanne Caunter** seeking a 130' roadway frontage variance to adjust boundary lines of parcels located on 341 Pease Hill Rd. Gary Frenz stated that the lot lines were crossed years ago and asked if anyone had any comments or questions. Mike Hill clarified the project that 30' of road frontage will be deducted from the Caunter lot. Shirley Farmer stated that the 30' includes her driveway and parking area. Being no further comments or questions, Cheryl Erickson made a motion to close the public hearing, 2<sup>nd</sup> by Curt Castner. All Ayes

### **UNFINISHED BUSINESS:**

**File # 2010-37 AV Tax Map 54.2-1-14 Philip and Susanne Caunter** seeking a 130' roadway frontage variance to adjust boundary lines of parcels located on 341 Pease Hill Rd. The board reviewed the criteria: 1) Whether benefit can be achieved by other means feasible to applicant; Cheryl Erickson stated that there is a title issue that needs to be resolved, the lots are pre-existing. 2) Undesirable change in neighborhood character or to nearby properties; Jim Steen stated that there is no change in the character of the neighborhood, no other people are affected, this will straighten the line between the neighbors, the Farmers have been using the driveway and parking area for years and this is a desirable fix to the problem. 3) Whether request is substantial; Jim Steen stated that this is pre-existing non-conforming road frontage change of 30' and overall is not substantial. Cheryl Erickson stated that there is no change in the driveways or entry points. 4) Whether request will have adverse physical or environmental effects; Cheryl Erickson stated no adverse impact. 5) Whether alleged difficulty is self-created; Jim Steen stated no this is a glitch in the deed/survey. Cheryl Erickson stated that this is a good faith purchase, and was not self created. Jim Steen stated that this is the minimum variance necessary as this is an equitable swap to straighten the line between neighbors and any other configuration would result in an odd shape parcel. Jim Steen made a motion to approve the 30' road frontage variance based on the discussion held above. 2<sup>nd</sup> by Cheryl Erickson. All Ayes.

### **PUBLIC HEARING:**

**File # 2010-38 AV Tax Map 38.1-2-2 Edward and Lisa Marks** seeking a 35' roadway setback variance to build a 24'x 24' garage on parcel located on 277 Beaver Pond Road the applicant is being represented by Michael Hough - Morse Construction. Michael Hough stated that there is ledge-rock in this area and this is the most logical placement for the garage, will be of earth-tone materials and blend in with the landscape. Cheryl Erickson stated that this would alleviate the parking situation on the house side of the road. Thad Smith stated that the 15' setback will be further back than most of the houses on the road and this is a common condition on the road. Being no further comments or questions, Cheryl Erickson made a motion to close the public hearing, 2<sup>nd</sup> by Jim Steen. All Ayes.

**UNFINISHED BUSINESS:**

**File # 2010-38 AV Tax Map 38.1-2-2 Edward and Lisa Marks** seeking a 35' roadway setback variance to build a 24'x 24' garage on parcel located on 277 Beaver Pond Road the applicant is being represented by Michael Hough - Morse Construction. The board reviewed the criteria: 1) Whether benefit can be achieved by other means feasible to applicant; The board agreed that this would get two cars off the road and beneficial to the health, safety and welfare of the public and the garage could not be moved back further without blasting. 2) Undesirable change in neighborhood character or to nearby properties; The board agreed that this is the status quo on this road and is in keeping with the character of the neighborhood 3) Whether request is substantial; The board agreed that this request is numerically substantial but in the overall context the topography would not allow the placement further back. 4) Whether request will have adverse physical or environmental effects; The board agreed that this is not a overly large structure, will not stand out and be a nice addition in the neighborhood, and will keep the cars from parking on the road. 5) Whether alleged difficulty is self-created; The board agreed that the topography created the situation, not the applicant. The board stated that this is the minimum variance necessary due to the topography. Cheryl Erickson made a motion to approve the 35' roadway setback variance based on the discussion held above. 2<sup>nd</sup> by Priscilla Remington. All Ayes.

**PUBLIC HEARING:**

**File # 20190-28 UV Tax Map 39.13-1-7.1 Leon Cochran** seeking a Use Variance to maintain the bathroom/kitchen facility in boathouse located at 6 Horicon Birches Road Extension. Gary Frenz stated that the applicant has withdrawn this application.

**BOARD PRIVILEGE:**

The board discussed the draft of the Thomsen decision and requested Town Counsel to compose the boards thoughts into a draft decision to be reviewed by the members one week prior to the next monthly meeting.

The board discussed moving the December 2011 meeting to the 20<sup>th</sup> instead of the 27<sup>th</sup> due to the Christmas vacation schedule. The board agreed.

There being no further business before the board, Chair Gary Frenz adjourned the meeting at 8:05 PM

Respectfully Submitted.  
Christine Smith-Hayes, Secretary