

Call to order at 7:00 p.m. by M. Perry at 7:05 p.m.

Members Present: Tim Morgan, Tim Kinnon, Steve Hurst, Paul Monziona, Marcella Perry-Chairman.

Others Present: Monica Jerkins-Planning Assistant, and Carolyn Schaeffner-Recording Secretary

Statement of Appeal Process

This purpose of this hearing

Appointment of Alternates None present to appoint.

Approval of Agenda

The following cases have been requested to be continued by the applicant to the February 1, 2007 hearing:

Case Z06-38	Map 23, Lot 3	Special Exception
Corinne Claunch		41 Rustic Shores Road

Application submitted by Thomas W. Varney on behalf of Corinne Claunch to request a Special Exception from the Town of Alton Zoning Ordinance 2006, Article 300, Section 320 (B:2c) – Expansion of a Non-conforming Structure – to allow a basement to be constructed under a cottage located within the Rural Zone. Continued from the December 7, 2006 hearing.

Case Z06-39	Map 23, Lot 3	Variance
Corinne Claunch		41 Rustic Shores Road

Application submitted by Thomas W. Varney on behalf of Corinne Claunch to request a Variance from the Town of Alton Zoning Ordinance 2006, Article 300, Section 327 (A:3) – Setback Requirements – to allow a pre-existing non-conforming structure to be relocated 2', but still within the 10' setback requirement. The property is located within the Rural zone. Continued from the December 7, 2006 hearing.

December 7, and December 11, 2006 minutes to be approved.

Motion by M. Perry to accept the agenda as amended and presented by the Assistant Planner. Second by T. Kinnon. No discussion. Vote unanimous.

Case Z07-01	Map 39, Lot 28	Variance
John and Paula Hughes		453 East Side Drive

Application submitted by John and Paula Hughes to request a Variance from the Town of Alton Zoning Ordinance 2006, Article 300, Section 327 – Setback Requirements – to build a storage garage within the setback requirements. This property is located within the Lakeshore Residential Zone.

Present for this case: John Hughes.

Motion by T. Kinnon to accept the application for Case Z07-01. Second by P. Monziona. No discussion.

Vote unanimous.

J. Hughes presented photographs. Would like to place a garage
End of a dead-end private way.

M. Perry asked for the access to his lot.

J. Hughes legal access is 28-A.

T. Kinnon asked what was the lot number.

J. Hughes lot 101.

Discussion on placement of garage on lot with regard to drawings submitted.

Seasonal storage garage. One story building with access from Cascade Terrace which is a private drive
owned by an Association.

Lots 102-108 have double access as well. Lot 102 has a structure.

Lou Popoulo is the head of the Association and it has been discussion at their regular meeting and there is
no problem with the Association. Noted no one present from the Association.

M. Jerkins noted the Association has been noticed.

P. Monziona asked how far from the lake the proposed garage will be.

J. Hughes said he did not know.

P. Monziona asked for storage specifics.

J. Hughes stated it will be used for boat and trailer storage, an old truck and beach items.

T. Kinnon asked about the possibility for digging into the hill.

J. Hughes stated there will be a 14 ft wall to be within the 25' setback.

M. Perry stated she would like to know the slope and how much flat area there is before making a
decision. Spoke of the hardship for the variance.

T. Kinnon spoke on the safety issue regarding the reasoning for the setbacks.

T. Morgan added if the right-of- way is a street.

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J. Hughes noted it is a private way. Currently it is in the process of being regarded. They also have to pay to have it plowed.

T. Kinnon spoke on how the Board needs to see if this plan can be done by another reasonable method. He feels 5' is very close.

P. Monziona asked if measurements have been taken from the proposed garage to other property lines.

J. Hughes asked how to get the slope information.

M. Perry noted that Mr. Christensen would be able to get this for him as J. Hughes mentioned he did assist him earlier.

Information need: Slope, accurately depict where the garage will be located with regard to lot lines, stake the location of proposed garage.

S. Hurst asked if this has been staked.

J. Hughes noted yes, the front corners are staked.

M. Perry suggested members to go by and look at the property. Noted if it could be done within the next two weeks it could be presented for the next meeting.

Motion by M. Perry to continue case Z01-07 to the next regular scheduled meeting on February 1, 2007. Second by T. Kinnon. No discussion. Vote unanimous.

Other Business:

1. Approval of minutes.

December 7, 2006 minutes. Discussion.

Motion by M. Perry to approve the minutes of December 7, 2006 as marked on the original by the Planning Assistant. Second by S. Hurst. Vote unanimous. P. Monziona recused himself from voting as he was not present at that meeting.

December 11, 2006 minutes. Discussion. No vote until the verbatim minutes are presented.

2. Old Business: a. Discussion on whether all old minutes have been approved, specifically January 3, 2006.

b. T. Kinnon asked if a letter has been received regarding the PMHS sign as requested by the ZBA. The Board agreed that they would still like a letter as requested.

c. P. Monziona asked about Alton Motor Sports. The new sign is up and it was his understanding this new sign was to replace the current sign and the new sign is in a different location. M. Perry also noted there is another sign for another business that is now located on town property. M. Perry someone is continually allowing these things. P. Monziona asked if what was granted is violated if this goes to the Code Enforcement Officer. M. Jerkins noted yes. P. Monziona – You hate to deprive someone int eh

future of an opportunity to get a reasonable variance if we determine it is warranted because other people are being abusive about getting variances and then not following them. T. Kinnon – I think that falls back to the enforcement end of the town. M. Perry -- It has to be known to him and it has to be a complaint from a citizen. T. Kinnon – He issues a permit for the sign and then that permit needs to be closed out, any permit that needs to be closed should be closed out with a final inspection. M. Perry – Doesn't mean it is. T. Kinnon – Doesn't mean it is but that is a permit if the permit is issued than there needs to be at least a final inspection. M. Perry – I can tell you some incidences, I will tell you of one that we have passed not very long ago for a variance for height restriction and then the gentleman is building on another piece of property the same house on another lot. T. Kinnon – The variance should be null and void at that point because that was granted for a specific piece of property. M. Perry – But the Building Inspector has issued a building permit. T. Kinnon – It isn't an illegal building permit than. M. Perry – These are the issues I have with these types of things that happen that you just and he issued a building permit without prints. M. Jerkins – I was told there was a foundation permit. M. Perry – A foundation permit, yes. M. Jerkins – But not building permit yet. M. Perry – On a different lot. M. Jerkins – Right from what I understand from talking with both the applicant and the building Inspector that they are coming in with a similar house plan with a lower roof line so the height variance won't be needed on that particular lot. M. Perry – Ok. M. Jerkins – We haven't seen it yet and don't have the plans in yet so what can you do you can look at the footprint of it and it looks the same but that is all we can do at this point. T. Kinnon – This is unfortunately out side of our realm but a foundation permit has been issued so now there is a foundation in place if they come in with house plans that don't meet the height variance or what ever they have to come before us for a variance with the foundation already in place, which could lead to an unsightly construction lot. M. Perry – Problems that we shouldn't be dealing with. T. Kinnon – These problems should be resolved before any permits are issued. M. Perry – I would think. T. Kinnon – Unfortunately there is not a thing we can do about it. M. Perry – I Know it. T. Kinnon – At least with the sign for Alton Mountain Motor Sports the state has observed that. M. Jerkins – Yes they have been into the office, I don't know what is being done about it, they came in Friday. T. Kinnon – They will have to move it the state is very difficult with that they won't budge. P. Monziona – Should it go to the Code Enforcement Officer here to because the permit to erect that sign was based on a variance and this board granted a very specific variance based on the application. M. Perry – Was that stated though in the motion. P. Monziona – The application depicted a different location for that sign that was ultimately constructed there and I for one as a member of this board in voted in favor of the variance relied on the representation that the sign would be put where a sign already existed. That was a factor in my mind. I think had that application come to us where no sign was ever in existence. T. Kinnon – Don't we have to state that? T. Kinnon – That actually there was testimony during that hearing, I remember because that was one of the questions, will the sign be any closer to 28, the applicant stated no, and I am going to paraphrase I can't verbatim, the applicant said no that is why we want to angle the sign in such a way so it will be visible without being closer to 28. P. Monziona – That is right the plow shape and I specifically asked are you just then proposing to put the sign you have now to substitute the new sign or words to that effect and that played in my decision making on how I voted on that variance and now I go by and see that the sign has been constructed in a completely different location. In addition to the state what ever they might do I also think it is appropriate to bring it to the Code Enforcement Officer. M. Jerkins – I can bring it to his attention in the morning and let him know that the ZBA wants him to look into it. T. Kinnon – Can we even legally make that request as a board? M. Perry – No not as a board but we can as a private citizen. T. Kinnon –

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That is the thing we have no enforcement power and we have to rely on the Code Enforcement Officer.

3. New Business: None
4. Correspondence: None

Motion by M. Perry to adjourn. Second by P. Monziona. No discussion. Vote unanimous.

Respectfully submitted,
Carolyn Schaeffner, Recording Secretary