

Minutes of the Antrim Zoning Board of Adjustment meeting August 3, 1999.

Present: Tom Lawless, Chairman; Tom Cochran; Carol Court; Boyd Quackenbush; Alternate Ben Pratt and Art Stenberg, Building Inspector.

Chairman Lawless called the meeting to order at 7:00 p.m. and the Board introduced themselves. Chairman Lawless read the procedure to be followed throughout the meeting.

Chairman Lawless read the application received from Mark Cooley for a Variance to Article VIII, Section C. 3. Of the Antrim Zoning Ordinance, Mr. Cooley wants to erect a deck within the 50 – foot front yard setback area for property located at 187 Gregg Lake Road Tax Map 2A, Lot 85 located in the Lake Front Residential District. Chairman Lawless asked Mr. Cooley to present his appeal to the Board. Mr. Cooley stated that he wants to put a deck on the front of his house, he stated that he thought it would be better on the front instead of the side, he stated that if he put the deck on the side it would take parking away from his neighbors. Mr. Cooley stated that his house is 50 – feet from the center of the road, so if he were to put a deck off the front he would only be 34 feet from the center of the road. Chairman Lawless introduced Art Stenberg – Building Inspector and asked Mr. Stenberg if either of the abutters had decks as close as the proposed deck? Mr. Stenberg stated that there appeared to be. Boyd Quackenbush asked if any building occurred after the Zoning Ordinance in 1989? Mr. Stenberg stated that he would need to investigate further to be certain. Ben Pratt asked what size the deck would be. Mr. Cooley stated that it would be 12 X 16. Don Winchester asked, how far from the road would the deck be? Mr. Cooley stated it would be 23 feet from the center of the road and stated that there's a stone wall in front of the property and along the edge of the road. Chairman Lawless expressed his concern with granting the Variance to Mr. Cooley, he felt that this may create more applications from abutters with the same situation. It was noted that if this did occur then they too would have to address the five criteria for a Variance. It was also noted that Mr. Cooley's property sat back further than his abutters and they have decks. Ben Pratt stated that the 50 foot set back requirement was unreasonable in the Lake front Residential District. Chairman Lawless addressed the five criteria for a Variance:

1. No decrease in value of surrounding properties. Unanimously agreed.
2. Granting the Variance would benefit the public interest. Unanimously agreed.
3. Denial of the Variance would result in unnecessary hardship to the owner seeking it. Unanimously agreed.
4. By granting the Variance substantial justice would be done; and
5. The use must not be contrary to the spirit of the ordinance. Unanimously agreed.

The Board unanimously agreed to grant the application of:

Mark Cooley for a Variance to Article VIII, Section C.3 of the Antrim Zoning Ordinance to permit a deck within the 50-foot setback.

Tom Cochran made a motion to adjourn. Carol Court second.