

MINUTES OF THE BOARD OF ADJUSTMENT MEETING  
HELD MONDAY, JANUARY 16, 2016

The Board of Adjustment met at 4:00 p.m. on Monday, January 16, 2016.

Members present: Goosmann, Landau, Kieffer, Groce, Pearlman, and Chandler. Mr. Jonathan Kanipe, Zoning Administrator, was present. Mr. William Clarke, Town Attorney, was also in attendance.

Chairman Goosmann called the meeting to order at 4:00 p.m.

Chairman Goosmann swore in the following:

Mr. Adam Berry

Motion was made by Ms. Rhoda Groce to approve the meeting minutes from December 21, 2015. The motion was seconded by Mr. Lowell Pearlman and unanimously approved.

Chairman Goosmann also mentioned Board of Adjustment hearings will now be held the third Monday of every month. The next meeting will be held Monday, February 15<sup>th</sup>, 2016.

HEARING (Evidentiary):

Mr. Adam Berry, 20 Ridgefield Place, was called forward to present the plans. Mr. Pearlman shepherded the discussion. Mr. Berry is requesting a variance to allow an encroachment in the side set back to enlarge a deck. Mr. Berry explained the sketches. Chairman Goosmann stated the dimensions are 11'x19' and Mr. Berry agreed. Mr. Chandler asked if Mr. Berry spoke to the neighbor about the proposed project and Mr. Berry said yes. The neighbor had no objections. Mr. Chandler asked if Carolina Day School was notified because they are behind Mr. Berry's property. Mr. Kanipe said that all adjacent property owners were notified. Chairman Goosmann asked for any further comments. Mr. Pearlman recited the facts.

DELIBERATION & DETERMINATION

Mr. Lowell Pearlman summarized the facts and requests for a variance. Mr. Adam Berry, 20 Ridgefield Place, is requesting a variance to encroach on a side set back approximately 4' 6"

and build an additional deck which would structurally match what is on the house now. There have been no objections by any of the neighbors. Chairman Goosmann said the reason for the encroachment is because the house is already in the setback. Mr. Berry agreed.

Mr. Pearlman asked Mr. Berry what the hardship is in order to get the variance. Mr. Pearlman asked Mr. Berry if the hardship is to put the deck in alignment with what is in existence now. Mr. Berry agreed. The problem was already inherited this way when Mr. Berry bought the house.

Mrs. Kieffer asked about the three trees that need to be taken down. Mr. Berry said some small trees under the proposed deck area will be taken down. Mr. Berry also plans to remove the shed under the deck eventually. Chairman Goosmann asked Mr. Berry if he would agree to buffer the area if there were any complaints about the work being done. Mr. Berry agreed.

Chairman Goosmann asked for a motion. Mrs. Rhoda Groce made a motion to approve the variance as requested to Adam Berry of 20 Ridgefield Place to construct an extension of the existing deck within the side yard setback. The variance request is to allow the deck to be constructed within the setback by 4' 6" and in line with the already constructed home, and that the facts and findings recited by Lowell Pearlman and his summation be accepted as findings of fact to support the grant. The Board has inspected the site and no neighboring property owner has objected.

Further, Mrs. Groce moved that the Board find that granting this variance, further based upon the foregoing findings of fact, satisfied the applicable Sections of 1005.04 and paragraphs one through four, and would not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would, in this case, result in a practical difficulty or unnecessary hardship. She further moved the Board to find that the spirit of the ordinance would be observed, public safety and welfare secured and substantial justice done. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

Dr. Landau seconded the motion and it was unanimously approved.

The Board did formally approve that all future Board of Adjustments meetings will be held on the on the 3rd Monday of each month, unless it was a holiday or there was no business to be conducted.

The meeting was adjourned at 4:21 p.m.

The next meeting of the Board of Adjustment was scheduled for Monday, February 15, 2016 at 4:00 p.m.

ATTEST:

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Greg Goosmann  
Chairman

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Jonathan B. Kanipe  
Town Administrator