

**Town of Hague Zoning Board of Appeals
September 27, 2007**

Members present: Chairman Robert Goetsch, Donna Charboneau, Martin Fitzgerald,
George Ianson, Glenn McKee, Lindsay Mydlarz, Bill Pittman

None absent

Also attending: Zoning Enforcement Officer Catherine Clark
Recording Secretary Nancy Young

Robert Goetsch called the meeting to order at 7:00 pm.

Public Hearing

Brown, (60.5-1-19) 51 Pine Cove Rd. TR-1R

The applicant is requesting a variance for a deck addition to a legal, non-conforming structure. The proposed deck will be located 40 feet from the shoreline.

There were no comments from anyone in attendance.

No written communications were received, according to Cathy Clark.

George Ianson moved to close the Public Hearing at 7:02 pm. Donna Charboneau seconded.

Vote: Carried, 7-0

Ayes: Goetsch, Charboneau, Ianson, Fitzgerald, McKee, Mydlarz, Pittman

Regular meeting

The regular monthly meeting began immediately at 7:02 pm.

Minutes

After introductions, the minutes from August 23, 2007 were approved; motion by Martin Fitzgerald, second by Lindsay Mydlarz.

Vote: Carried, 7-0

Ayes: Goetsch, Charboneau, Ianson, Fitzgerald, McKee, Mydlarz, Pittman

Old business

Brown, (60.5-1-19) 51 Pine Cove Rd. TR-1R

The applicant is requesting a variance for a deck addition to a legal non-conforming structure. At present, there is only one means of entry to the home. If approved, the deck will provide two more exits. The shoreline setback to the house is 47 ft. If approved, the proposed deck will be located 40 ft. from the shoreline. In December of 2004 the ZBA approved a similar request for a slightly larger deck. Mr. Brown was unable to complete the project in a timely fashion and that approval has expired.

Zoning issue: 160-50 B (b) Shorelines

The Warren County Planning Board has determined “No County Impact”.

Cathy Clark noted the Planning Board’s recommendation for approval made on 9/6/2007. At that time, Planning Board members expressed concern about an oil heater exhaust which, if not moved, would be located under the proposed deck. They also suggested Chris Navitsky investigate the possibility of vegetative screening. The zoning codes call for a 35 foot vegetation buffer to be maintained. Ms. Clark explained that currently the Brown house has 36 mature trees with underbrush in this setback, with the exception of the dock area.

Bill Pittman moved to approve the requested variance. Donna Charboneau seconded.

Discussion:

- There will be no undesirable change produced in the character of the neighborhood, neither will it be a detriment to nearby properties. The deck will lessen the visual impact from the lake.
- The benefit sought by the applicant cannot be achieved by any other method feasible to the applicant other than an area variance.
- The variance is not substantial.
- The variance will not have an adverse effect or negatively impact the physical or environmental conditions in the neighborhood or district.
- The alleged difficulty is self-created.

Further discussion:

- A similar variance was approved once before. This deck will be 51 sq. ft. smaller.
- The proposed deck will improve the egress from the house, providing an additional emergency exit. At present, there is only one.
- The first variance approval to construct a deck to a pre-existing, non-conforming structure resulted because the original home had been destroyed by fire.

Vote: Carried, 7-0

Ayes: Goetsch, Charboneau, Ianson, Fitzgerald, McKee, Mydlarz, Pittman

Adjournment

Martin Fitzgerald moved to adjourn the meeting at 7:10 pm. Lindsay Mydlarz seconded.

Vote: Carried, 7-0

Ayes: Goetsch, Charboneau, Ianson, Fitzgerald, McKee, Mydlarz, Pittman