

Town of Nelson
Zoning Board of Appeals
June 19, 2007
Nelson Town Office Building

Present: Tim Etter, Jeff Rubenstein, Mary Perry, Tom Arnold & Kevin Pace

The meeting was opened at 7:31 p.m. by Chairman Jeff Rubenstein.

After the minutes from April 3, 2007 were reviewed, Tim made the motion to accept these minutes as presented. Seconded by Mary. All voted in favor and motion carried.

Agenda:

1. Gilbert English - Area Variance - Tuscarora Rd.- Public Hearing

- a. The variance requested is for a front (road) yard setback of 5 feet to allow a 20 foot setback and a side yard setback of 13.14 feet to allow a 1.86 foot setback, to build a deck onto a year round camp.
- b. The 10' x 12' deck was built last Sept. 2006. It is a floating deck and is not attached to the building. It was built to utilize a side door that could not be used before.
- c. The deck is 3 feet from the side yard property line. And in the WFZ.
- d. Gilbert was asked if he could change the deck to a landing or a smaller deck.
- e. Mad. Co. Planning Board said the it seems a smaller deck or stairs - with less of an encroachment on the required setbacks. This application was returned for Local Determination..
- f. The Public Hearing was opened at 7.50 p.m.
- g. Michael Murphy, Neighbor in back, did not have a problem with this and neither did Scott Spetke.
- h. Public Hearing was closed at 7:54 p.m.
- i. The deck is to close to the adjacent proper to the south. If the owner of this property ever wanted to sell the lot, there could be a problem with the deck being so close. When the residents come off of the deck they are on the adjacent property owners land.

Findings:

- a. There will be an undesirable change produced in the neighborhood.
There is a feasible alternate to an area variance for the applicant. No if the structure is changed and yes if elevation changed with fill.
The required variance is substantial.
There will be no adverse effect on the physical or environmental conditions in the neighborhood.
The difficulty was self-created.
- b. All information or evidence was considered. Mike Murphy and Mike Murphy have no problem with this deck.

- c. All parties in question were heard.
- d. No intimate knowledge was taken into account.

All Board members visited the site.

After discussion of the Board Pete made the motion to approve this variance request, of a Front Yard setback of a 5 feet variance to allow a 20 foot setback and a Side Yard setback of 13.14 feet variance to allow a 1.86 foot setback. Seconded by Mary. Mary and Peter voted in favor of this motion and Tom, Tim and Jeff voted against it. Variance denied.

2. Diane Cass/Tim. McLaughlin - Lot Coverage Variance - Tuscarora Rd. - Public Hearing

- a. A variance to allow 19.5 % total lot coverage and a variance to allow a total height (including railing) of 66". Diane and Tim are proposing to construct a 14'x16' deck on the lake side.
- b. The existing deck at the water is 5 feet back from the sea wall.
- c. Lot coverage of pervious material is over the 12% allowed. There is an asphalt existing driveway
- d. The parcel is in the WFZ.
- e. Public Hearing opened at 8:50 p.m.
- f. Scott Spetke had no problem with the new deck being built.
- g. As there was no further comments on this application, the Public Hearing closed at 8:53 p.m.
- h. Mad. Co. Planning Board return for Local Determination as there would be no adverse County impact.

Findings:

- a. No undesirable change will be produced in the neighborhood.
There is no feasible alternate to an area variance for the applicant.
The requested area variance is substantial Area Coverage and no for the railing.
The difficulty was not self-created.
- b. All the information or evidence was considered.
- c. There were no parties in question to be heard. A letter from Helen Bellemy in favor of the deck.
- d. No intimate knowledge was taken into account.

All Board Members visited the site.

Pete made the motion to approve a lot coverage of a 7.5 feet variance to allow a 19.5% total lot coverage and for the deck height a 6 inch variance to allow a total height (including railing) of 66 inches. The variance is for construction of a 14'x16' deck. Seconded by Tim.. All voted in favor and motion carried.

