

c) *Interested Property Owners:*

Adjacent property owners Robert Ramker, Robert Harrison, and Marilyn Demuth signed the Jones's request letter indicating their acceptance of the project plan. Lloyd Bigler of 122 Willow Lawn Drive spoke in favor of the variance and viewed the project as a definite improvement to the house and the neighborhood. Marilyn Demuth of 106 Willow Circle spoke in favor of the variance and mentioned the current deck is too small to be used effectively. Secretary Passmore stated that he did not receive any communication regarding the request.

d) *Discussion:*

Secretary Passmore briefly reviewed the site plan as the house is situated on a cul-de-sac. He stated that the house exists as a non-conforming structure because it currently violates the rear-yard setback. The house was built in the middle 1980's and setbacks have not varied since that time, but for whatever reason the rear-yard setback was not met when it was built. Mr. Passmore stated that the proposed deck would stay in alignment with the rear of the house and enclose the back corner of the house. Mrs. Sarah Jones spoke to the Board and mentioned that they were not aware of this non-conforming condition before they purchased the home. Mrs. Jones stated that their existing deck boards were in need of replacement and they desired to enlarge the deck to meet their above-ground swimming pool. She further stated that they would not encroach any further with the deck than is already encroached by the house, and that they would be doing more plantings to shield the neighbors from the pool.

Member Foy clarified that the swimming pool was put in by the current owners this past summer. The Board reviewed how the deck will abut the pool and that the deck will be about three feet above the ground. Mr. Foy clarified that a building permit was granted to place the house in its current location. Scott Ramker, contractor, mentioned that his company originally built the home and thought it was possible that the current rear-yard was looked at similar to a side-yard during the permit approval. Member Brown confirmed that the deck will not extend past the existing back of the house. Mr. Foy stated that due to the fact that the deck will not extend any further into the rear-yard than the house exists, and that the house was permitted to be built in its current location with the same setback requirements that exist today, he views the request to be acceptable even while applying the hardship rule. Mrs. Brown agreed with Mr. Foy that it is difficult to see a hardship but that all the other factors play into the decision, along with the ability to replace sections of the deck that are in need of repair today. Member Gidley also agreed with these comments and added that the applicant did not create this situation or create their own hardship.

e) *Motion by the Board:*

Motion By: Chris Foy

Seconded By: Pete Lampe

Move that a variance to allow the proposed addition to encroach into the 30-foot rear-yard setback approximately 16.5 feet at 108 Willow Circle be approved.

Yes: 4

No: 0

Absent: 1

E. Old Business: None

F. New Business: None

G. Adjournment:

Motion By: Chris Foy

Seconded By: Vern Gidley

That the Board of Adjustment meeting be adjourned.

Yes: 4

No: 0

Absent: 1

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