

**ZONING BOARD OF APPEALS  
MEETING  
MAY 26, 2010**

PRESENT: Mr. Cownie, Mr. Bumpus, and Myrna Hallenbeck

ABSENT: Mr. Dixon, Mr. Sammons

ALSO PRESENT: Mike Stewart CEO

Vice Chairman Mr. Cownie opened the meeting at 7:00PM

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MOTION: Upon motion made by Myrna Hallenbeck and 2<sup>nd</sup> by Richard Bumpus the minutes from the April 28, 2010 meeting were approved as written by the clerk. All in favor (3). The motion was passed.

**PUBLIC HEARING- 7:10pm**

Stephen & Dorothea Daknis-Side Set Back  
SBL# 104.18-4-11.200  
Location: 141 Kunkel Point Rd.,  
Zone-L-1

MOTION: A motion was made by Mr. Bumpus and 2<sup>nd</sup> by Myrna Hallenbeck to open the Public Hearing for Daknis at 7:10PM. All in favor (3). The motion was passed.

A short discussion was held on the application. The Area Variance is for a two and one half feet side set back. The applicant was present to explain that they did not know that the shed was not constructed within the set backs. The shed is on a foundation and has been landscaped. A permit was obtained to put up the shed. After the shed was completed a neighbor (the Quinn's) had a survey done as they felt the shed was too close to the property line. The Quinn's feel that putting the shed so close to the property line is causing an additional drainage problem between the two properties. The Quinn's are not requesting that the shed be moved, they do have concerns about water problems.

Another public comment was heard, but really did not pertain to this application.

Mr. Cownie asked the two other board members if they wanted to vote on the application this night, or wait for a full Board vote. One of the Board members felt they needed more information on the drainage issue. After further discussion with the Code Enforcer, the Board decided to continue with the Area Variance Findings and Decision.

Vice Chairman Cownie read the five factors to be considered and a discussion was held for each. A motion to accept the variance was then offered.

MOTION: A motion was made by Myrna Hallenbeck and 2<sup>nd</sup> by Mr. Bumpus to accept the Area Variance request with the condition that the party that owns the shed maintains drainage as presently installed. All in favor (3). The motion was passed.

The Area Findings and Decision form to be filed with the Town Clerk, The Daknis's, and a copy will be sent to the Quinn's per their request.

### **OLD BUSINESS**

None

### **CHAIRMAN CORRESPONDENCE**

None

MOTION: A motion was made by Mr. Bumpus and 2<sup>nd</sup> by Mr. Cownie to adjourn the meeting at 8:00PM. All in favor (3). The motion was passed.

Notes respectfully taken by the Clerk, Cheryl Gifford.