

**Horicon Zoning Board of Appeals
Minutes**

**September 24, 2013
7:00PM**

Present: Cheryl Erickson, Vice-Chair
Priscilla Remington
Thad Smith
Charles Lewis, Alternate

Also Present: Cathi Radner, Esq. Town Attorney
James Steen, Zoning Administrator
Mike Raymond, Planning Board Member

Bonnie & Jeff Cohen, Anne Vandevander, Tom Thurston, Ellen Meader

Agenda Items:	File #2013-14	Tax Map 71.12-1-31	Schaap, Theodore & Donna
	File #2013-15AV	Tax Map 38.2-1-4	Cohen, Jeffrey & Bonnie
	File #2013-12AV	Tax Map 55.10-1-9	Vandevander, Anne
	File# 2013-10AV	Tax Map 72.5-1-3	Miller, Richard & Roth, Myrna

Chair appoints Charles Lewis as a voting member in absence of Carl Heilman

The regular meeting was called to order by Vice-Chair, Cheryl Erickson at 7:00PM.

Minutes: Thad Smith made a motion to approve the August 2013 minutes, 2nd by Priscilla Remington. ALL AYES. Priscilla Remington made a motion to approve the September Special Meeting Minutes 2nd by Charles Lewis. ALL AYES

NEW BUSINESS: **File # 2013-14**
Tax Map 71.12-1-31
Schaap, Theodore & Donna
213 Palisades Road
Seeking an Appeal of Zoning Administrators Determination
Section 11.100 #8 See-through design fence

Jim Steen addressed the board on his concerns regarding the Theodore and Donna Schaap see-through fence design, he thought that the Schaap's were going to be present at this meeting tonight. Jim stated that he struggled with his decision but ultimately determined for safety reasons that this is not a see-through design. Jim pointed out the 11.100 #8 zoning regulation is not clear and asked the Schaap's to appeal his determination rather than apply for a variance, to get the board's opinion and input on this fence decision. Jim continued on to state the Schaap's replaced a pre-existing non-conforming lattice fence which had a 50 percent visual surface area with a pre-fabricated vinyl design fence which is visually more attractive but less see-through due to the 1 inch vertical slats.

Attorney Cathi Radner asked Jim to site for the board the factors considered for his determination and if there were any other examples of fence design that he could compare to the Schaap's fence design.

Jim stated that his determination was based on the 50 percent visual surface area of the pre-existing lattice design, that children and animals were clearly visible from road side when driving past the fence. Jim stated that his decision was based on safety reasons. Jim continued on to state that there are no other fences that he could compare to this specific situation and reiterated that the zoning ordinance section 11.100 pertaining to see-through design was unclear. Jim stated that he suggested to the Schaap's that they remove every other slat of fence to make the design more "see-through".

Cheryl Erickson stated that she would like to hear the Schaap's version as to why they changed the design of the fence before making a decision since the zoning ordinance is so vague regarding see-through design.

Priscilla Remington made a motion to table file # 2013-14 until Theodore and Donna Schaap were

present to represent themselves. 2nd by Charles Lewis. ALL AYES

**NEW BUSINESS: File #2013-03AV
Tax Map #38.20-1-4
Property Location: 16 Horicon Birches Road
Owners: Jeff and Bonnie Cohen**

Bonnie Cohen reviewed for the board the plans for the proposed 16 x 19 screened porch, the proposed structure is needed to provide cover for the main entrance and shelter outdoor seating to permit greater use of the property. The proposed addition will be consistent in size and design with the current house, and constructed flush with the house avoiding and working around the septic tank. In addition the proposed screened porch's steps will be inset so that the stairs will not be any closer to the shoreline. Bonnie Cohen stated that she thought these changes would satisfy the APA's concerns as they reversed the Zoning Board of Appeals prior variance approval.

Cheryl Erickson stated that she would like the Board to review the APA's reversal determination stating objections, as it was not available at this time.

Being no further questions or comments Priscilla Remington made a motion to deem application complete and schedule a public hearing for October 22, 2013. 2nd by Thad Smith. ALL AYES

**PUBLIC HEARING: File# 2013-12AV
Tax Map 55.10-1-9
Vandevander, Anne
720 Palisades Road
Seeking an after the fact 91 foot Shoreline Setback Variance where 100 feet is required for a 4 foot by 33 foot wooden walkway with railings**

Tom Thurston was there to speak on behalf of his sister in law, Anne Vandevander for the after the fact variance for 2 foot x 33 foot of wooden walkway that was not in the approved building plans and was not in compliance. The dock and steps were not the issue. Tom Thurston reviewed for the board that he and Anne were not aware that there was any violation until it was brought to their attention by the present Zoning Administrator, James Steen. Tom Thurston and Anne Vandevander were under the assumption that the construction of the wooden walkway was in compliance with Horicon Zoning because their contractor had told them that he had gotten construction approval from the Horicon Zoning Office and had submitted building plans to Warren County. Tom Thurston continued on to say that the structure is located on an extremely steep and sloping parcel. The walkway was built to reach the stairs and dock. This construction is complimentary to house style and other neighboring properties. Tom Thurston continued on to say they had rebuilt on the same footprint and improved the structure to make it comparable to other neighboring properties.

Neighbor Ellen Meader was present to speak on behalf of her neighbor, Anne Vandevander. Ellen Meader complimented the house that Anne Vandevander had re-constructed and said is was an asset to the neighborhood.

Priscilla Remington made a motion to close the public hearing. 2nd by Thad Smith. All AYES

**UNFINISHED BUSINESS: File# 2013-12AV
Tax Map 55.10-1-9
Vandevander, Anne
720 Palisades Road
Seeking an after the fact 91 foot Shoreline Setback Variance where 100 feet is required for a 4 foot by 33 foot wooden walkway with railings**

Being no further comments, the board reviewed the criteria:

- 1) There will be no undesirable change to the character of the neighborhood or detriment to nearby properties. The applicant applied for and received a variance (#2010-04AV) from the Town of Horicon Zoning Board of Appeals to rebuild a pre-existing non-conforming structure after it was damaged by a storm. The applicant rebuilt on the same footprint and improved the structure to make it comparable to other neighboring properties. The walkway which requires this variance to be 9 feet from the lake is required in order to get to the staircase to access the dock.
- 2) The benefits sought by applicant cannot be achieved by other means, as this is the most feasible means to access the lake. The applicant rebuilt and expanded on a pre-existing non conforming footprint with an approved variance (#2010-04AV) to rebuild 11 feet from lakeshore, however during the design process failed to consider how they would access staircase leading down to dock. This 4 foot wide walkway is the most desirable means to access staircase.
- 3) This request is substantial but required as there is no other access to lake, walkway was built off of the front of a pre-existing structure. A two foot walkway is too narrow for safe passage therefore four feet was constructed extending prior footprint 2 feet toward the lake.
- 4) There will be no adverse effect or impact on the physical or environmental conditions in the neighborhood as the applicant built walkway to access stairs and dock rather than alter the land. The nature of the frontage of property is steep and sloping to lake which would require a retaining wall and fill to access staircase from home. This walkway has less negative environmental impact on property.
- 5) The alleged difficulty was not self created as the structure is located on an extremely steep and sloping parcel. The walkway was built to reach the stairs and dock. This construction is complimentary to house style and other neighboring properties.

Thad Smith made a motion to approve the 21' shoreline setback variance as discussed, 2nd by Priscilla Remington. All Ayes.

Next Meeting is scheduled for October 22, 2013.

Board Comments: **File#2013-10AV**
Tax Map 72.5-1-3
Miller, Richard & Roth, Myrna TABLED UNTIL FURTHER NOTICE

Public Comments: None

There being no further business before the board, Vice-Chair Cheryl Erickson adjourned the meeting at 7:50 PM

Respectfully Submitted,

Dorothy Johnson, Secretary