

**ZONING BOARD OF APPEALS
TOWN OF CANADICE**

Canadice Town Hall

November 10, 2021

Present: Linda Moorhouse, Chairperson
Diane Horning, Vice Chairperson
Ed Bott
Jesse Hallett
Marty Gascon - Absent

Guest: Serge Tsvasman
Janet Elman
Jerry Elman

PUBLIC HEARING – Tim & Judy Plain

Chairperson, Linda Moorhouse called the meeting to order at 7:30 p.m.
Chairperson, Linda Moorhouse introduced the Zoning Board of Appeals members and stated that a quorum was present to hear the application. The criteria, which the Zoning Board of Appeals uses to make decisions regarding an area variance were reviewed.

Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance.

Whether the requested area variance is substantial.

Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Whether the alleged difficulty was self-created, in which consideration shall be relevant to the decision to the Board of Appeals but shall not necessarily preclude the granting of the area variance.

L. Moorhouse - Read the permitted action of the board of appeals.

S. Tsvasman, from Design Works Architecture, is representing Tim and Judy Plain. He explained the two variance requests to the board.

L. Moorhouse - This is on the south side of the house, or the north?

S. Tsvasman - That's the south.

L. Moorhouse - Ok.

The pictures were discussed by direction, north, south, etc.

S. Tsvasman - This is the site plan showing the addition to the west and that is where the stair is to the east.

L. Moorhouse - So, these are the proposed, what you have here?

S. Tsvasman - Yes, that's right. We are looking to get approval, so the issue as we left the meeting the last time was that this parcel, which I have illustrated in this other document here. It shows the parcel to the south, which is right here (pointing to the map) is a, in the owner's mind, a non-buildable lot. They have shared with me the deeds that they have for the adjacent property, and informed me about the ownership. I went onto ONCOR and I was able to find the information for each one of these tax numbers and the percentage of ownership of that particular property. A little convoluted, but each one of these stakeholders doesn't have direct access to the lake. By joint ownership of that one parcel, they do.

L. Moorhouse - So, this a right of way?

S. Tsvasman - That's what I'm trying to...

E. Bott - No, no. That's just a piece of property that three different people own. That's not the same as a right of way.

S. Tsvasman - It's owned by one, two, three, four.

D. Horning - So, in other words, it's their access to the lake?

S. Tsvasman - It was actually the way they got fresh water, at one point.

E. Bott - It shows here that one owns half, you have four people here. One owns half, one owns quarter, one owns quarter.

S. Tsvasman - Right.

E. Bott - That just means that multiple people own the lot. So, if they sold it, they wouldn't own it any more. It's not a right of way.

S. Tsvasman - It would be very difficult for them to sell.

E. Bott - No.

S. Tsvasman - You can't sell this one lot without the buy in of the other stakeholders.

E. Bott - That's not a right of way.

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S. Tsvasman - Ok. But, it shows how complex this is and the fact that it has been this way for quite a while. Nobody is going to give up rights to their lake access for swimming.

E. Bott - Do you have that in writing anywhere?

S. Tsvasman - This lot here is 40ft. wide, where all the other lots are 50. And the zoning code requires the lot to be 50ft. wide, in order for it to be a buildable lot. That as well is another case for this.

E. Bott - I don't think so. That is a pre-existing non-standard lot.

S. Tsvasman - If someone were to build a conforming building, it would be a maximum of 20ft. wide.

E. Bott - Providing they get a variance.

D. Horning - Those people, I know, are not going to give it up.

S. Tsvasman - I think it would be a very litigious process, to try to sell.

E. Bott - Under the current ownership, perhaps. Remember the variance is for the land, not the current owners. It's not a right of way.

S. Tsvasman - Ok.

E. Bott - It's just a jointly owned piece of property.

S. Tsvasman - Ok, I thought this was presenting background information for this case.

D. Horning - Yes, we did ask you who owns that lot.

E. Bott - Yes, because the last time you said you thought family owned it. It doesn't sound like it's the case here.

S. Tsvasman - So, this lot here is Judy's family.

D. Horning - Which one?

S. Tsvasman - This one here, the direct adjoining lot. She has talked to every single one of these neighbors about the situation and nobody has objected to her. Unfortunately, I don't have a specific letter from anybody. I'm sure that could be obtained if necessary. I think what we are asking for is 8 ½" in addition to what the existing non-conforming set back is to the west and an additional 1ft 4 ½" into the non-conforming set back on the east side, in order to move this project

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forward as designed.

E. Bott - If I remember correctly, wasn't it like 3 ½ ft. on the side with the stairs?

J. Hallett - It ends up remaining at 3ft.7".

E. Bott - 3ft.7" on that side and on the other side is?

S. Tsvasman - 4ft.

E. Bott - Down here in the front, it gets reduced to 4ft 3 ½. So, this one drops from where it is now, down to 3 ½. 3ft.7".

L. Moorhouse - So, in other words, we are looking for two variances, here and here?

E. Bott - Yes, two different parts of the structure, so it's two different variances.

L. Moorhouse - Ok, I'm just trying to visualize this.

S. Tsvasman - Feel free to ask any questions. I will be happy to answer them.

D. Horning - They are making this their permanent house, correct?

S. Tsvasman - This is going to be their primary residence, yes.

L. Moorhouse - Private or primary?

S. Tsvasman - Primary.

L. Moorhouse - The addition is going to be on this side here?

S. Tsvasman - No, the addition is on the west and the east side of the house. The only thing that comes out to the south is the landing and the stair.

L. Moorhouse - All right.

They discussed the plans/drawings of the project.

S. Tsvasman - It keeps within the line of the front, south side of the house. No structure is built this way, only the landing and the stair.

L. Moorhouse - Do we have information from who owns next to the south here?

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S. Tsvasman - This is the Plain parcel, highlighted in blue, this lot 5, according to the deed documents is owned by, joint ownership by these three lots that don't have direct access to the lake.

L. Moorhouse - Now, do we have any information from these folks as to what their feelings might be?

S. Tsvasman - Judy reached out to them directly and she explained the project. There was no push back or anything.

E. Bott - But, he has no documentation.

S. Tsvasman - I don't have any physical documentation, but this particular parcel a family relative of Judy's that owns it. It is family owned between the two.

L. Moorhouse - That is only one quarter.

S. Tsvasman - That's one quarter of this, yes.

L. Moorhouse - So, it would be the other folks there that might have had an issue. I don't think we are looking at a lot.

S. Tsvasman - The building is not pushing forward to the south.

L. Moorhouse - I wish they had built them straight.

D. Horning - Nothing is straight down there.

S. Tsvasman - Yes, but the set backs weren't established until the code was adopted. So, these homes were pre existing and non conforming. Any movement of that parcel, that affects the set back, triggers a zoning review.

L. Moorhouse - Sure, I get that. Ok, well do any of our members have any questions for Mr. Tsvasman?

No questions.

L. Moorhouse motioned to close the public portion of the hearing, seconded by D. Horning, all in favor. Closed at 7:50 p.m.

E. Bott explained the two step process of accepting the application for the variance as complete and then voting on the two separate variances.

E. Bott made a motion to accept the application as it stands, seconded by D. Horning, all in favor.

Roll Call Vote to accept or deny:

West Side Variance Request

L. Moorhouse YES, D. Horning, YES, E. Bott, YES, J. Hallett, YES

L. Moorhouse - 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

D. Horning - 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

E. Bott - 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

J. Hallett - 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

East Side Variance Request

L. Moorhouse, NO, D. Horning, YES, E. Bott, NO, J. Hallett, NO

L. Moorhouse - 1. Yes, 2. No, 3. Yes, 4. No, 5. Yes - **NO**

D. Horning - 1. Yes, 2. No, 3. No, 4. No, 5. Yes - **YES**

E. Bott - 1. Yes, 2. No, 3. Yes, 4. No, 5. Yes - **NO**

J. Hallett - 1. Yes, 2. No, 3. Yes, 4. No, 5. Yes - **NO**

L. Moorhouse - Ok, we have agreed on the first variance on the west side is granted, however, not the one on the east side.

L. Moorhouse - Do you have any questions?

S. Tsvasman - Yes, I do because my client is going to inquire. If there is a formal letter from these three stakeholders, acknowledging that there is no detriment to them.

E. Bott - That had to happen tonight.

S. Tsvasman - I will resubmit that application and come back with the letters. Would that persuade the board? A physical letter from each one of these stakeholders.

E. Bott - First of all, you have to wait a year to resubmit that variance. Personally, like I said, the variance is for the property, not for the people. So, in this case a letter saying they are not opposed to it is good to have, but that's not a determining factor to me. If you change the design, you could fit that in there. Just because three people own it now, it's not set in stone. As generations pass that changes and can change at any time. We have properties up here that get a variance and then people get together and decide to sell it.

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S. Tsvasman - What about, there are a couple other things I thought about was, the front set back, I'm sorry the one to the west is 4ft. 3 ½". If that was matched on the east side, would that be more favorable to this board?

L. Moorhouse - In other words, you would just move it over.

S. Tsvasman - I would change the depth of the landing. Right now it is a 4ft. stair.

L. Moorhouse - Ok.

S. Tsvasman - We could still make it useful if we matched the set back here and over there.

L. Moorhouse - Right.

S. Tsvasman - That would achieve and allow me to have the landing and the stair, without increasing a setback into that 3ft. 7 ½". Would the board look at that more favorably? Right here we have basically the same setback request on east and west opposed to asking for more than that 4ft. 8".

L. Moorhouse - Out of curiosity, why don't you move it around to the front.

S. Tsvasman - Because that would block the views from the lake. The porch that it is serving is only on the south side.

L. Moorhouse - Ok, this is what we are saying, is going to be there. (Referring to the drawings)

S. Tsvasman - That's the west porch.

There was more discussion of the drawings.

S. Tsvasman - There is the sun room, so that serves the sun room. I could make it 3ft. deep and still achieve the same usefulness of that stair.

E. Bott - What we discussed last time on the depth, is they can run the landing across the front and bring the stairs down the other side.

L. Moorhouse - Right.

S. Tsvasman - That's not what the owners would like to do. They have a walk-out in the front.

L. Moorhouse - Right here?

S. Tsvasman - In here would be the walk-out.

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E. Bott - It hasn't been built yet. It's the design, it hasn't actually been built yet.

L. Moorhouse - But, this is existing, this walk-out?

S. Tsvasman - No.

L. Moorhouse - It's not?

S. Tsvasman - We are adding an addition right there.

L. Moorhouse - Ok.

E. Bott - The walk-out is here and the proposed new part. There is nothing there now.

S. Tsvasman - Correct. We don't want a deck, we just want a way to egress to the porch. I'm proposing making it that 4ft. 3 1/2" setback, matching it on the east so that we are not asking for two separate numbers.

L. Moorhouse - Ok, well if that happens, essentially decreasing the size of the landing.

S. Tsvasman - Correct. It would still be useful and achieve the same goal as egress to the house.

L. Moorhouse - Right. Steve, does there have to be a specific width for a stair like this, if he were to decrease the size.

S. Smith - It has to be 36" wide.

E. Bott - It has to be 3ft.

S. Tsvasman - I can achieve it with that depth.

S. Smith - It's going to be more than 3ft. total. Because once you put your stringers and your railing, you have to have a 3ft. clear step and when you put your railing on the other side, you are going to add another 6-9".

L. Moorhouse - Ok, then that would not be feasible even if he does reduce it?

S. Tsvasman - Yes, it would.

S. Smith - You can't change it mid stream.

E. Bott - No, it would be a new variance and a new application.

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L. Moorhouse - Well, I guess at this point we will have to go along with what the board has decided.

S. Tsvasman - Lastly, I recently worked in Livonia and their town zoning code specifically states that the landing stair that provides access to a second floor could go right along the property line. So, a neighboring community interprets this as not a structural element.

L. Moorhouse - Well, I can appreciate that.

E. Bott - That goes against a state law there.

L. Moorhouse - Each town has its own rules and regulations, but this is what our town has decided upon.

E. Bott - Yeah, and they are going to be in trouble in court for that one.

L. Moorhouse - Well, we don't want to get into that.

E. Bott - No, that's not us.

L. Moorhouse - At this point, we will grant the first, but we are not granting the second. I don't know what else to say. If there are any other alternatives.

S. Tsvasman - If this project came back with a matching setback request for the east side egress, would that be palatable to this board?

E. Bott - What would the final part be? Would it be over 5ft.?

S. Tsvasman - We would be matching the set back that has been approved. So, if that set back is 4ft. 3 ½" would that be palatable and accepted by this board?

E. Bott - Can't speak to it right now. Well, it's better, but I can't pre approve something.

S. Tsvasman - I'm not asking for pre approval. Is that more palatable?

D. Horning - Actually, if you really look close at it, there is more room on the east side than the west side.

J. Hallett - Yes, the west side of the stair landing is actually a bit closer than the east side stair landing by a few inches. The closest part of the building to the line is actually the bottom of the steps.

L. Moorhouse - Ok, let me pose a question here. What would we accept?

E. Bott - I can't predetermine that. Like I said, it is really obvious that they have other options, because of the way the layout is.

L. Moorhouse - So, none of this construction has not started on any of it yet?

S. Tsvasman - No, I showed, is it Jesse?

J. Hallett - Yes.

S. Tsvasman - I showed him the layout of the existing house, how the new addition works with that existing house and how putting an egress and stair on the north side of the house is not going to help with the situation because that is an area that doesn't need direct egress to the outside, where the porch does. The porch is on the southeast corner of the house, which needs the landing and the stair there.

D. Horning - The other reason why is that it is an empty lot.

S. Tsvasman - Yes, that's an empty lot, but the real reason is the kitchen is here, the living room is here, the sun porch is there. So, walking out of the sun porch is really what requires...

E. Bott - You can do the same thing by just going straight off the front of it.

S. Smith - Or, out the side.

E. Bott - Yes.

S. Tsvasman - But then you would have a lopsided egress stair off the front of your lake home, which is not style aesthetically.

L. Moorhouse - You could put it in the center.

S. Tsvasman - The sun porch is not in the center of the house.

S. Smith - It doesn't matter where the egress is, as long as it is on the second floor.

E. Bott - Yup.

D. Horning - You will have to discuss that with them. You will have to change something.

S. Tsvasman - Ok. Will you send them a letter in the next week or so?

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L. Moorhouse - Yes, they will receive the decision. If they are looking to do another variance, it has to be a year from now.

The Public Hearing concluded at 8:15 p.m.

PUBLIC HEARING - David Rydell

David Rydell was not present for the Public Hearing and was not present for the initial Preliminary Hearing.

The board members discussed the application and decided they would not accept the application, since they have questions for the homeowner. The denial was decided so that Mr. Rydell could still come to the meeting on December 8, 2021 and the board would conduct the Public Hearing at that time.

J. Hallett made a motion to deny the application, seconded by E. Bott, all in favor.

A letter will be mailed to Mr. Rydell, explaining the denial.

PRELIMINARY HEARING - Janet & Jerry Elman

L. Moorhouse asked the applicants to come and sit before the board.

J. Elman - I'm thinking ours is going to be kind of easy.

E. Bott - We do get some that are easy.

Janet Elman - It's kind of a weird situation. You will have to look at the picture that we attached. So, we are very close to our neighbor, it's about 10ft. total. And I know that the set back from the edge of our house is about 10ft., before the sidewalk.

Jerry Elman - Not including the overhang.

Janet Elman - From the edge of the house to where the property line is, is about 10ft. Now, I do want to adjust a little bit, because, after talking to you, Linda, we wanted to go over the concrete and just past the overhang another foot, but we only want to go another 6". If that is possible.

L. Moorhouse - From the concrete?

Janet Elman - Yes. We want go up to the point of over the overhang and then add 6 more inches, just beyond the overhang.

E. Bott - Your overhang right now is 4 ½ft. from the line. Ok, so that's your real distance from

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the line.

Janet Elman - Yes.

E. Bott - Ok.

Janet Elman - Yes, and we want to add 6". We want to put, basically, that's the door up there. Behind the door, we want to add like a 1 ft. deck. Basically, it's a wrap around.

Jerry Elman - It's going to connect to the deck.

Janet Elman - If you look at the diagram, you can see that we have a deck, which is about a little bit over half on the one side and then we have concrete on the other side, which meets up with the other side.

J. Hallett - So, your overhang is on the north side of the house?

Janet Elman - Yes.

Jerry Elman - The deck is on the lake side.

E. Bott - So, this is the concrete that you want to replace here?

Jerry Elman - We want to put a wood deck.

J. Hallett - On top of it.

Janet Elman - On top and it would wrap around.

Jerry Elman - We want to put a wood deck, the same level as the existing. It wraps around the house.

E. Bott - It's going to be a little wider than the existing?

J. Hallett - So, you are looking to turn 4 1/2ft. into 4ft. for your set back on the north side?

Janet Elman - Actually, no, it should be 5ft., because we said 10ft.

Jerry Elman - He's talking from the overhang.

E. Bott - It's 4 1/2ft. because of the overhang.

J. Hallett - The overhang is the outermost part, not the house.

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E. Bott - So, it goes from the overhang.

Janet Elman - So, it's 4 ½.

E. Bott - And you want to make it 4, right?

Janet Elman - Well, I'm saying 4 ½ from the edge of the house.

E. Bott - It goes from the overhang.

Janet Elman - I'm saying from the edge of the house to the property line is 10ft., so if we have 4 ½, that's 5 ½ ft. left.

E. Bott - The roof is 4 1/2ft?

Janet Elman - Yes. The overhang is 4 ½ ft.

E. Bott - So, it's 5 1/2ft. from the line with the roof.

Janet Elman - When you say...

E. Bott - You have to reference the overhang.

Janet Elman - This is 4 1/2ft.

E. Bott - So, from there to your line is 5 1/2ft.? Is that what you are saying? You go from the overhang, not the wall of the house.

D. Horning - You have to go from the overhang, whatever is built there.

Jerry Elman - You have to reference from here not here. (Pointing to the drawings)

E. Bott - So, if the overhang section is 4 1/2ft. that leaves 5 1/2ft. existing from where it is now to your line?

Janet Elman - Right, 5 1/2ft.

E. Bott - And you want to reduce that to 5?

Janet Elman - Yes. But, it is not originally what I had put on the paper. What we were requesting was a foot. But, we are only requesting 6".

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E. Bott - You sure you couldn't do it without the 6"?

Janet Elman - Well, honestly, I guess we could. It would make it just more desirable all the way around. But, I guess that is something that you guys have to consider.

E. Bott - Aesthetically, it would probably make it look better if it was even with it. So, you are going to put a deck over this, just an on ground deck basically?

Jerry Elman - Right, and then tie in with the other deck. There is no issue with the back of the house.

Janet Elman - We would be extending, but there's no variance for that.

E. Bott - Nope.

L. Moorhouse - Is this the back?

Janet Elman - Yes. So, we would go beyond where that concrete is.

Jerry Elman - But, that's not a variance.

L. Moorhouse - This deck here is across the back, also?

Jerry Elman - Yes.

E. Bott - Just make sure that it is tipped away from the house. My son just bought a house on top of the hill and they built a deck and they pitched everything 2 1/2" back towards the house and it rotted everything out in the front of the house. They had to replace it all. Make sure whoever does it, has the water going away from the house and not back to it. You'd end up with the same problem, it would be running back toward your window. So, that's a sliding glass door?

Jerry Elman - Yes.

E. Bott - So, that would make it even with the door?

Janet Elman - Yes. That's kind of what we wanted to do.

S. Smith - Just don't push it on your neighbors property.

Janet Elman - Right, I know.

J. Hallett - It looks like you would be just about flush with the outside of where that downspout

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is now. If you are going 6”.

Janet Elman - Yes.

E. Bott - If you drop the 6”, it’s a no brainer. Then it is even with the existing house is and your not changing your set back at all.

L. Moorhouse - Would they need a variance, then?

E. Bott - You would still need a variance, because it is new construction, but you're not changing the footprint. You are not changing the distance from the line at all.

S. Smith - Originally, she was going to go beyond, that’s why they are here.

E. Bott - No, you are absolutely right.

Janet Elman - I mean, it doesn’t make sense to you guys to even ask? We were just going to make it a little bit wider. I want to get your feedback.

E. Bott - And that is why we are doing this. Going through this for just 6”, is like really.

L. Moorhouse - We’d like to save you a little time.

Janet Elman - And I am okay with that. It’s not that it doesn’t change anything, because we have to go up a foot, we had to ask for permission. We could have put concrete there and gone as far as we wanted to.

S. Smith - You could go right to the line.

Janet Elman - I know.

E. Bott - I just wanted to bring it up.

J. Hallett - We have to be clear here before we accept this. Is it going to be 12” past the overhang or 6” or 0?

Janet Elman - Like I said, we are reasonable. We will go with what you tell us. If you say you don’t need to do this extension and it doesn’t make sense, then fine.

Jerry Elman - We don’t want to submit something and then get it rejected.

E. Bott - That’s why we are having this conversation, to avoid all that.

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Janet Elman - Right.

E. Bott - That's one of the questions we have to ask, can you do it another way? You just heard the last one and they refused to do it another way.

Janet Elman - If you say, we shouldn't.

E. Bott - I don't know if 6" is spectacular. But for the paperwork part, you do have to get that changed. Before we accept it, you will have to make that modification, that you only want to go 6" instead of 12". We are picky about stuff like that.

Janet Elman - Ok.

E. Bott - It's your choice.

Janet Elman - I think the whole thing was, we don't have the proposal. The issue is we wanted to get the approval, so when we talk to someone who is going to build it for us, we can work with them and not go over the 6" in case, just how the wood works out, dimensions and how it's going to fit all in the back. We want to have that leeway. That's really what it is. I don't want to go over it if you approve just to the end, being that there is not going to be a railing on the end.

E. Bott - It's too small to have a railing.

Janet Elman - We don't need a railing, but that little extra 6" gives us a little more leeway.

E. Bott - The 6" is not significant, it's not really changing a lot. If it was flush, then it would be a mute point, other than you have to get a variance for new construction.

Janet Elman - That would give us the 50%. We wouldn't be going over the 50%.

E. Bott - That's one of the things we have to consider. 50% is kind of the cut off.

Janet Elman - That's why after thinking about it.

S. Smith - We talked quite a while on the phone.

Janet Elman - And then I talked to Linda.

E. Bott - You are well informed, that's more than most people. I don't blame you for getting the variance before you talk to contractors or someone to build it. A lot of people go the other way around and invest all this money and they get professional drawings.

Janet Elman - It's a simple concept, add a deck that wraps around and meet up to the back. But, we knew that we...

E. Bott - Structurally, it will look a lot better. It will line up with your sliding glass door.

Janet Elman - It will look a lot better.

Jerry Elman - The concrete is pitched the wrong way, like you said.

Janet Elman - We got a lot of water that would rush down here with those floods. We just got that paving done, he actually did a great job. We don't have the rushing water. Actually, that was the reason why I thought of putting the 1 ft. deck up.

E. Bott - Like those old western towns, they would walk across boards. That's tough on concrete.

Janet Elman - It is better now. Then we decided this would really enhance the house.

E. Bott - You are absolutely right, it would match up with the lines and everything. Almost looks like they built it for that and never did it.

S. Smith - You just have to make a decision here.

Janet Elman - The max would be the 6" over. So, we have the request, how do we go about changing it?

E. Bott - We can do that as a matter of record. You don't have to actually do it on there. Pick a number and let us know. You can actually change your mind and let us know at the next meeting, the Public Hearing. We go through this whole thing beforehand, that is what that's about, kind of a last minute thing. You don't have to rush on that, if you don't want to.

Janet Elman - No, we are fine. I'm good with it. I've got to find where I wrote it.

S. Smith - So, you are looking for 60" off the house, instead of 54"?

Janet Elman - Yes, that's what it is.

S. Smith - 54" is where the overhang is. 54" is the overhang and you want to add 6" to make it 60" from the house.

Janet Elman - Right.

S. Smith - She proposed to go out another...

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E. Bott - It leaves 5ft. total right to the line?

Janet Elman - Yes.

S. Smith - There is a 5ft. difference. So, it would be a 5ft 5" variance. She would be 5ft. 5" from the property line.

L. Moorhouse - Ok, total distance from edge of property line is 10ft. with 4 1/2ft. overhang.

S. Smith - That's not 4 1/2ft, the overhang is 54".

Janet Elman - Which is 4 1/2ft, right?

L. Moorhouse - Yes, that's 54".

S. Smith - 4 1/2ft. was what she was asking for the variance and now it's going to change down to 5 1/2ft., because she is only going to go 6" beyond the overhang. That would make it 60".

Janet Elman - Where it says we were just asking for just 1ft., that gets changed to 6". The 10 ft. from the 4 1/2ft. gets reduced to 5.

E. Bott - Which leaves 5 left.

S. Smith - Correct.

Janet Elman - So, above that, it says increase of 12" under the roof overhang, just make that 6". And then where it says increase of 30", it would be 24". That's from the concrete in the back, that's not covered.

E. Bott - Ok. You don't have to change all of them. As long as we know the final set back is 5ft.

Janet Elman - Ok.

L. Moorhouse - See, I said we would discuss everything.

E. Bott - That's why we discuss this, it's called due diligence.

Jerry Elman - We appreciate that.

L. Moorhouse - Sometimes folks look at things a little bit different. We talked about it and I said we would discuss it.

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Janet Elman - He did mention about the 50% and we talked and when we went and looked at it, I said you know what, we are totally fine. We can have up to 6". Depends on how it is going to be laid out. We don't want to be penalized.

L. Moorhouse - Is this your primary residence?

Janet Elman - Yes.

D. Horning - You've got to have room for the stakes.

Janet Elman - That's why we put that in there.

L. Moorhouse - Ok, so then we will set up the Public Hearing for December 8 at 7:30p.m.

Janet Elman - So, we should come to that too, in case anyone has questions?

L. Moorhouse - Yes, definitely.

E. Bott - It's not required.

L. Moorhouse - Ok, we will be here.

Janet & Jerry Elman - Thank you very much.

Preliminary Hearing concluded at 8:35p.m.

Old Business

J. Hallett made a motion to approve the minutes from the October 13, 2021 meeting, D. Horning, seconded, all in favor.

E. Bott made a motion to adjourn the meeting, J. Hallett seconded, all in favor

Meeting adjourned at 8:43 p.m.

Respectfully,

Stephanie Seeley, Secretary