

**ZONING BOARD OF APPEALS
TOWN OF CANADICE**

Canadice Town Hall

February 8, 2023

Present: Diane Horning, Vice Chairperson
Ed Bott
Jesse Hallett

Guest: Peter Grant
Peter Lezeska
Norman Schrader
Walt Matyjas
Mary Ann Matyjas
Joel Smith
Merry Seablom
Ben Gleason

Linda Moorhouse and Kris Singer - Absent

PUBLIC HEARING – Merry Seablom

Vice Chairperson, Diane Horning called the meeting to order at 7:30 p.m.

The criteria, which the Zoning Board of Appeals uses to make decisions regarding an area variance are as follows:

- 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.

E. Bott invited Merry Seablom and Ben Gleason to come and sit before the board to review the variance request for new porch setbacks to the easement at 5828 Sweet Pea Lane.

E. Bott - I see you did some redesign work on the deck.

B. Gleason - Yes, each of you should have an existing survey map that shows the existing deck design. There should be a photocopy of that. You should also have a copy of the revised deck design. It should have a green dot in the middle of the deck. That one is the revised deck design per the last meeting. There is also a blown up version of the proposed deck design.

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There was more discussion of the new deck design and where it was located outside the easement. The new proposed deck will be 3 ft. outside the easement.

D. Horning - Much better. With the new calculations, how wide is the deck now?

B. Gleason - We have changed the angle of the deck to stay outside the easement by about a foot. We have changed the shape of the deck to stay outside the easement area.

D. Horning - Ok.

E. Bott - I don't have any more questions for you. He asked the audience if anyone had any questions. No response.

D. Horning - I don't have any questions.

J. Hallett - It's pretty straight forward.

E. Bott explained the two step process of accepting the variance application and then the vote on the variance, whether to accept or deny.

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

Roll Call Vote to accept or deny:

D. Horning, **YES**, E. Bott, **YES**, J. Hallett, **YES**

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

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

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

D. Horning - Ok, you've got your variance.

M. Seablom - So, now we can apply for the permit.

J. Miller - Yes, even though Ben has already applied, you can come in and finish the application. Then you can start construction.

M. Seablom - Thank you.

B. Gleason - Thank you all for your time.

The Public Hearing concluded at 7:42 p.m.

PUBLIC HEARING - Peter Lezeska/Lilly Lu Properties, Inc.

E. Bott invited Peter Lezeska to come and sit before the board to review a subdivision of property located at 5992 Pine Haven Lane.

P. Lezeska presented the survey maps to the board.

E. Bott - So, tell us what you want to do.

P. Lezeska - To give you a little history, 5992 Pine Haven bought the parcel of land by the water, they did a first right of refusal with Jerry Alman about 3-4 years ago. I think they had to do a variance, because Jerry Alman incorporated part of that lot into his property and then 5992 got the other, probably like 20-25ft. of it. 5992 Pine Haven had the easement for 5995 West Lake Rd. for many, many years.

There was discussion of the survey map. There is an existing right of way to the lake. 5995 wants to own the right of way, so they can get to the lake.

E. Bott - They can get through there now, because of the right of way?

P. Lezeska - Yes, through the right of way.

D. Horning - But, they want to put their own dock in.

P. Lezeska - They don't want me, because I still own 5992 to control what to do and what not to do. Which is fair, I understand if you are buying that parcel, you want to be able to get to the water and not have me say that I am going to share the dock space with you.

There was more discussion about the right of way to the lake.

J. Miller - The reason you had to come before the Zoning Board is because the minimum lake frontage is 50 ft.

P. Lezeska - Before I bought 5992, I just owned 5995 and that is where we would put our dock in. But, I had to share that use with 5992 Pine Haven before I owned it. There is a dock in there now.

E. Bott - Because you own it, you are saying they couldn't put a dock there?

P. Lezeska - No, with them purchasing 5995 West Lake Rd., they want to be able to control it. It's set up as a shared space. There is only room for one dock. I have all this space to put my dock in. They just want to have this space to get to the water and put a dock in and not have to share a dock. That's the dilemma with the sale. It is going to be a vacation home for them, I

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believe.

There was more discussion regarding the lots at Pine Haven Lane and sharing dock space and access to the lake.

E. Bott - Are you one of the neighbors on that side? Is there anything you want to add to this?

N. Schrader - The HOA is on the south side of the property.

E. Bott - This is a Public Hearing and we have this so people that are in the area and if you have opinions or feelings about what is going on, this is where you can publicly say yay, nay, what you like about it or what you don't like about it.

N. Schrader - Our group has no objections to the subdivision at all.

There was more discussion of the boundary lines and the fence separating the HOA property from the other lot.

E. Bott - Ok, I think I know what you are asking for. Did this go in front of the Planning Board and they turned it down?

P. Lezeska - No.

J. Miller - They put in the application and I turned it down. So, then they had to come here.

E. Bott - Ok, I was just wondering how we got to a variance here. They have to approve of any subdivision.

J. Miller - They just needed the variance first.

D. Horning - We have to grant the variance before the subdivision.

E. Bott - So, the purpose of switching this from a right of way, which they already have to actual split land is so they have sole ownership of anything they might put in the water?

P. Lezeska - Yes.

E. Bott - They have access to the lake.

P. Lezeska - Yes, they can put lawn chairs down there or whatever they want.

E. Bott - They can't build in there?

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P. Lezeska - Right.

D. Horning - They can put a dock out?

P. Lezeska - Yes.

J. Hallett - Which they can do now?

E. Bott - Yes.

D. Horning - They have to share a dock.

E. Bott - No, they can put it out.

D. Horning - Can there be two docks down there?

P. Lezeska - Absolutely.

J. Miller - He would have to agree to their dock.

P. Lezeska - If I want to put my lawn chair on there, I can do that. I understand where they are coming from. I would never do that.

E. Bott - Right of ways down there are very common. This is actually an unusual request. I don't have any more questions.

D. Horning - Do you have any questions Jesse?

J. Hallett - No, I see what they are trying to do.

E. Bott - Anyone else have any comments or questions?

No response from the audience.

D. Horning - Ok, shall we close this part?

J. Hallett made a motion to accept the application as it stands, E. Bott seconded, all in favor.

Roll Call Vote to accept or deny:

D. Horning, **NO**, E. Bott, **NO**, J. Hallett, **NO**

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

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

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

E. Bott - We just don't want the lots cut down any smaller than they are already.

Public Hearing concluded at 8:05 p.m.

PUBLIC HEARING - Peter Grant

E. Bott invited Peter Grant to come and sit before the board to discuss his complaint filed with the CEO regarding 6025 West Willow Point. Jacking, leveling and new foundation.

E. Bott - So, your neighbors had a problem with their foundation and they were going to move the house, so just take us from there as to what happened.

P. Grant - It was a nonconforming property to begin with. They moved it 14ft. back. One corner was actually on the sewer easement. We knew it was being moved 14ft. back, then it moved closer to our property. It not only moved west, it also moved north to 36" from our lot line.

J. Hallett - That is where it currently sits?

P. Grant - Yes.

E. Bott - To bring you up to speed on this Jesse, the previous CEO told them that they didn't need a variance, because they were reducing the size of it.

J. Miller - It was a lift and set. They weren't moving the house initially. Half way through the build, they realized they couldn't do the basement because the sewer lines on one side and the utility lines on the other side.

J. Hallett - The previous CEO knew half way through?

J. Miller - Yes, they came in and put in the notes on the permit that they were going to move it. That's all he did was put notes there.

E. Bott - This is where the fun starts, because they have done their due diligence in making the alterations known, ok? There are a couple of things that should have happened and didn't.

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J. Hallett - I have a question. Regardless of whether it should or shouldn't be there, are we bound to what was signed by the building code officer? Can we go back on what the previous CEO signed?

E. Bott - We can, but again we have to decide on how we are going to be fair to everyone here.

There was discussion of the drawings, where the house was originally and the reasons for moving it where they did.

E. Bott - Is it higher than it used to be?

P. Grant - Yes.

J. Hallett - How high?

P. Grant - Joel, 3ft.?

J. Smith - 2-3ft., that's irrelevant.

P. Grant - The view for some neighbors.

E. Bott - It's not irrelevant. You moved the house because you put a foundation underneath it. You did more than just put a foundation, you built another story.

J. Smith - We put a basement under it, that's all.

E. Bott - That's another living space. If it is over 800 sq. ft., it should have gone to the Planning Board for approval.

P. Grant - I believe it is 853.

E. Bott - Technically, that should have gone to the Planning Board, because that is livable space.

J. Smith - If it's 800 sq. ft., it has to go to the Planning Board?

E. Bott - Yes. We did talk to our attorney about this because you went to the town, you didn't try to hide anything from anybody. There are two legal aspects to this, one even if your complaint didn't happen, if the CEO discovered that there should have been a variance and there wasn't a variance issued, he can go in and correct that situation. Even if he made the mistake, he can go back and start over. Now, in this case it is already built. The best advice that we got from our attorney was to come to an agreement between neighbors, if possible. Last time you had some things you wanted changed. One was the ice dams.

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P. Grant - A window relocated. I had some other questions on the project too. I don't if there are any plans that they wanted to present to you.

E. Bott - They are going to get a chance to talk. Another thing I want to bring up to the land owners, you made the change, so you are liable for these changes that need to be made to be compliant, or to resolve the situation. There was a fence between the two properties?

P. Grant - There was, well part of it is still up. Some of it came down when they were doing the digging for the foundation.

J. Miller - We have to negate moving or eliminating the window, because that eliminates living space and the square footage of the house.

P. Grant - I am not saying eliminate it, I am saying relocate it.

J. Miller - Ok, then that would be better.

E. Bott - This is going to get real expensive if this goes to court, from the town aspect and the property owners. The attorney recommended that if you have things like the dams. Have the ice dams been put on?

J. Smith - Walt corresponded with Peter, but he never responded back.

P. Grant - I didn't know it was to me, it was to the complaintant. I am not going to agree to something that is not from a lawyer. I want to see it from a lawyer, before I agree to anything.

E. Bott - We can actually put things in and that's better than a lawyer.

P. Grant - Ok, that's fine.

E. Bott - You can go to court, but this is the kind of thing that we decide on. When I talked to the attorney, she said to advise you guys that if you can come up with an agreement on both sides. Another thing we talked about was frosted windows as opposed to relocating your window.

J. Smith - The frosting would take care of both windows.

P. Grant - I am not frosting my windows.

J. Miller - I don't know the layout of the house. That is why I said you can't eliminate it, because if it is the only window in the room, it would not be considered living space.

E. Bott - If it is the only window in the room, you can't eliminate it, no. If you can't see

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anything out of the window, I don't know what it entails to frost a window. They would have to pay to have the window frosted.

P. Grant - Which was offered in the email that I received from Walter.

E. Bott - I am just saying, the advice from our attorney was to try to work this thing out with some ground rules here. One option is the fence could be raised. I don't know what the fence looks like and the privacy. Those buildings are really close together. How far is your building from the fence?

P. Grant - It's about 4ft.

W. Matyjas - Also nonconforming.

P. Grant - Existing.

W. Matyjas - You made changes.

P. Grant - What changes?

W. Matyjas - You doubled the square footage of the structure without a variance.

P. Grant - Mine was a conforming property. Why are you bringing up mine, it's not about me today.

W. Matyjas - I just want to put it on the public record, that it is nonconforming as well. They are both close.

E. Bott - That is what I meant.

P. Grant - That house did not move. The house I purchased from the north of me, I moved.

W. Matyjas - Which should have required a variance.

P. Grant - No, because it is conforming property and I am 14ft. from my neighbor.

E. Bott - There was a house that got moved and we reviewed it and it was ok. We were worried about the height. It is probably the one we are talking about.

W. Matyjas - I did a foil request, there was no variance ever issued.

E. Bott - If he was given the C of O, we can't supersede the C of O.

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W. Matyjas - Understood.

P. Grant - Ok, are we done with my property?

E. Bott - Ok, you are 4ft. from there, that was some of the options we talked about.

J. Miller - Walt did show me a picture of the drainage that is going into the lake on his property. There were tubes sticking out of the ground. I know that was a concern, the water drainage.

P. Grant - Where it is terminating is definitely a concern, because his property doesn't go to the lake. Is it crossing the Association lot, or is it going to drain into my property where it erodes my beach, where it has done in the past? That would be in the plans, I'm sure where they are going to terminate that.

E. Bott - We will talk about that then. You want to have a seat?

P. Grant - Sure.

Public Hearing concluded at 8:30 p.m.

PUBLIC HEARING - Walter and Mary Ann Matyjas

E. Bott invited Walter Matyjas to come and sit before the board to discuss his variance request for property located at 6025 West Willow Point. (home foundation and moving the home)

E. Bott - I said this before and I am going to say it again, you brought everything to the town like you should have.

W. Matyjas - Thank you, I appreciate that.

E. Bott - The reason they have site plan reviews, is to review these kind of things. View, water runoff, we talk about runoff here. That's why we have a variance review. The first thing I want to talk to you about is, you put a metal roof on?

W. Matyjas - Yes, it has a metal roof.

E. Bott - Are you agreeable to putting ice dams on that side, so that the ice is contained from falling over or hitting the fence?

W. Matyjas - Yes, and I put that in writing on January 15th, that I would install ice breakers on the north side of the metal roof.

E. Bott - I don't know if we have a copy of that.

W. Matyjas - The CEO has a copy of that.

E. Bott - Ok, like I said we spoke with our attorney on this and she strongly advised that if you guys could come to full agreement with where the water is going, the fence, the privacy and all those issues. We have options on them. She said it would be much cheaper if you guys could come to an agreement on it. This should have gone to the Planning Board.

W. Matyjas - Hindsight, understood.

E. Bott - You didn't make that mistake. That is the exact things that they discuss.

W. Matyjas - The other issue that was brought up and I am dealing with the complaints that were brought up on January 11th. There were concerns about the downspouts. They are hanging right now, we will connect the downspouts to the drains as noted. There are photos, there are multiple receiving drains on both sides, north and south. There is a total of six of them that will connect. Our gutters will go to that drainage system.

E. Bott - Ok, where does the drainage system go?

W. Matyjas - It goes along the foundation and out to the lakeside yard. Right now, it just opens out to that yard.

J. Smith - It's going to go to the lake.

P. Grant - You are going to dig across the Associations and have it drain out to the lake?

J. Smith - We could, or we can put it into a still and have it leach across Walt's property. Either way, it's going to the lake. We can run it to a collection area, or we can run it to the lake.

E. Bott - So, you are going to carry far enough from the house so it doesn't go north or south?

W. Matyjas - Correct. If we need a collection system, we will do a collection system. On the privacy concerns, again in writing, I did offer to frost the western most window of the north side. That is a bedroom window, it is the only one on that side. I offered to contribute up to \$100.00, I don't know what it costs to frost a window, but to frost the opposing bathroom window of the complainant's residence that was at issue. I also did see an email from earlier in November, that the folks from 6019 talked about Bahama Shutters. I have offered to frost ours and contribute to frost theirs and I would be willing to do both. Neither one wants to look at, I don't want someone looking in my bedroom, I don't want to look in their bathroom.

J. Hallett - Where is it in the fire code with the distance between these buildings come into play where it is beyond our control.

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E. Bott - Oh, they are already inside it.

J. Hallett - I know they are both too close to that line.

E. Bott - Is it 5ft. or 10ft.?

J. Miller - 5

E. Bott - 5 now. That is why we set our setbacks to 10ft. to be way outside the state. You are still just outside of that.

W. Matyjas - I also want to mention the fence. So, currently the fence, there are three different styles of fence, recycled fence. There is a dogeared wooden fence, there is a vinyl fence, there is a slab fence. It's not my fence, I believe it is backwards. I think the good side is supposed to face out, if I'm not mistaken. I believe that is the code. We've got the crappy side facing us. I would not object, I believe in the town you can go up to 8ft. I think it is a 6ft. fence now, if someone were to put a taller fence, I will not object. I said if there was a variance, I would not object to the variance. I don't care how tall that fence is.

J. Smith - You have to get a variance for a taller fence?

E. Bott - Yes.

W. Matyjas - I offered that I would not oppose that. It's not my fence. But, if someone wants to put a taller fence, god bless them.

E. Bott - Well, if that was one of the things that we went forward with, that would be on you to install the fence and pay for it. Because you have created the situation with what is going on here. We did specifically talk to our attorney about that sort of thing. I hate to tell you this, but the cost of these things, because you made the change fall on you. If you went to court, that is what you would end up with.

W. Matyjas - I understand that is the town attorney's position. I'm sure there is another attorney that would have a different position.

E. Bott - The privacy is a concern. That is why I am offering what we have discussed and what we talked to our attorney about. What would be deemed acceptable, because if we rule on it, even if it is not acceptable to Mr. Grant, that is what it is going to be. So, we are going to try to make this as painless as possible for everyone. Unfortunately, you are going to be the one that is going to face the brunt of the cost. There is no getting around that.

W. Matyjas - As I am looking at the emails, I did note when we go to connect our gutters and downspouts, the complainant's gutters are directed to the south, directly to our property. I

didn't print the photo, I have it on my phone. Instead of going west to east, like all the water flows, it is purposely diverted right into our foundation wall.

P. Grant - I put all the gutters on, I will get that corrected.

E. Bott - Ok, you don't want your water towards them either.

P. Grant - I didn't really notice it until I saw Walt's email. I will get that corrected.

W. Matyjas - I won't bother you with the pictures. That is what was offered at this point to settle the complaint.

E. Bott - The complaint is almost irrelevant at this point in time. He asked for an interpretation of the rule. We said yes, it should have had a permit. And know that we look at more data, it should have actually gone to the Planning Board. So, that basically is where that falls off legally. Because we know there is an existing situation, even if it was mishandled by the CEO, we are trying to handle it correctly now. With a great degree of restriction, because the work has already been done.

W. Matyjas - Correct.

E. Bott - Yes, we could order the whole thing be torn down. That is very highly unlikely to happen. Because, you didn't make the mistake. You didn't go into this trying to pull the wool over everyone's eyes. I don't think that is a fair approach to take with you as the landowner. You weren't trying to hide anything.

W. Matyjas - No sir.

E. Bott - So, first make sure the water is running, not running to the other property. Make sure the ice dams are installed. Those are two issues, the other is the privacy issue. I would like to see the property. I would like to table this until we can get down there and look at it. I would like to see Mr. Grant's view of things and physically see what is going on down there. Maybe it doesn't need to be a tall fence, except in one little area. If you frost the windows, I think that is fairly reasonable. You can't change the egress in and out of a room, you have to have a certain size to get out of there. We can take a look at where the proposed drainage is.

J. Smith - We were working around the main sewer line the whole time.

E. Bott - That whole mess down there, the easement going under your house never should have happened. I am going to bring it up to the town. If they have any other projects like this going on, there has to be something in the contract that doesn't create that situation. It seems like you moved the house further than you needed to, to alleviate that issue.

P. Grant - They also want to add a 14ft. deck off the front of it.

W. Matyjas - We had a deck. As soon as you start moving it, then the deck goes into the road. So, then we moved the deck to the lakeside.

E. Bott - You are going to need another permit or variance to do that.

W. Matyjas - It was all on that permit.

J. Miller - The original permit had the deck on it.

W. Matyjas - It is like a maze, you are trying to fit this in.

E. Bott - That's not shown on here.

J. Smith - It's shown on the survey I supplied.

D. Horning - It's shown right here.

E. Bott - Oh, that's the deck?

D. Horning - Yes.

J. Smith - On the lakeside.

W. Matyjas - As soon as you start moving the building, where the existing deck was...

E. Bott - So, that is on the other side, away from Mr. Grant's property?

W. Matyjas - Yes.

E. Bott - But, that goes to 2.6ft. away from the easement?

J. Hallett - That should need a variance.

E. Bott - That needs a separate variance.

D. Horning - If you look closely, see the dotted line.

E. Bott - I see that now. That hadn't come up and it is also going to wrap around the front?

J. Smith - That's only on the front, the walkway is down the side of the house. The deck is just on the front.

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J. Miller - The original footprint of the house had a deck on it.

D. Horning - You are going to need a variance to put the deck on.

E. Bott - Yes.

J. Hallett - Is that permit still active?

J. Miller - There is a Stop Work Order.

There was discussion of the sewer location. W. Matyjas showed the board the ONCORE view of the home.

J. Miller - It was hard for me to see until I went down there and looked at it.

W. Matyjas - The plan was to keep the deck and the original footprint of the house. As soon as we started moving that, it pushed it into the road. So, now we lose the deck. To fit the deck, we had to go more than 5.3ft. I think I heard Mr. Grant say, they knew we were moving it the 14ft., west, that wasn't the issue, it was the slight movement to the north. We had to do that to fit everything.

E. Bott - That's why we have a variance review, to prevent this sort of thing from happening and putting you in the situation you are in now.

W. Matyjas - If the CEO said you need a variance, we would have gotten one. As soon as we found out that we had to do one, for the record, I did apply for one.

D. Horning - Everything on the lake needs a variance.

E. Bott - Because everything is so tight down there.

J. Miller - So, are we going to table the complaint.

E. Bott - The complaint has already been ruled on and all that is, is the interpretation of the rule. And that is that a variance needs to be issued.

E. Bott made a motion that a variance does need to be issued, seconded by D. Horning, all in favor.

W. Matyjas - One variance, correct.

E. Bott - That was for the house. The deck is going to need another variance.

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W. Matyjas - It was all on the same permit and the same drawings. I am confused.

E. Bott - You can include it in there. Is the deck done?

W. Matyjas - It's not built. That was the permit and the plans that were supplied to the town.

E. Bott - I am going to give you a little piece of advice.

W. Matyjas - Ok.

E. Bott - You can put it all in one permit, but if the permit gets denied, you can't do anything for a year. That's the law.

J. Hallett - It is best to get multiple small permits.

W. Matyjas - Permits or variances?

E. Bott - If we issue the variance and you are including the deck and we don't agree with where you put the deck, the whole variance can be denied and you can't come back again for a year.

J. Hallett - If you do multiple little ones and we deny just the deck, the house variance could still be approved.

W. Matyjas - I appreciate that.

E. Bott - That's why I brought it up. You put all your eggs in one basket and if there is one that is no good, then you are stopped, by law.

D. Horning - Because, actually on the deck there has to be some thought, because of that right of way.

J. Miller - I will have to revoke the permit even though there is a Stop Work Order and then we will reissue the permit based on the outcome of the variance.

W. Matyjas - For the structure?

J. Miller - Yes.

E. Bott - You can reissue the permit, because we will have the variance hearing on the deck and right now we are talking about the house. We can continue on with that one.

J. Smith - Is this a public meeting?

E. Bott - Yes, they are all public meetings now. What we are going to do is leave the public meeting open and we are going to try to get everybody together and come up with a time to go and see the property.

J. Smith - Steve is the one that advised us to move the house where we did.

J. Miller - It was in the notes of the permit that Steve advised them to put it there. He did speak with Joel and Walt multiple times about this.

E. Bott - Unfortunately, that still comes under the self created, because you guys made the change. I understand the mitigating circumstances.

J. Smith - I was up here four times just to get the thing hammered out so we could figure out what we were doing.

J. Miller - We did contact Williamson Law to see if we could capture the time and date of when that note was put in there and there isn't.

D. Horning - Just remember to put dates on things when you put notes in.

J. Smith - On the permit.

D. Horning - On everything.

J. Miller - When you came in to notify that the permit wasn't going to be a lift and set, you were moving it.

J. Smith - It was around the first of September.

E. Bott - I have all sorts of free time until March 8th. We are looking at the 18th at 9:00 a.m.

The Zoning Board members will meet at 6025 West Willow Point at 9:00 on February 18, 2023 to review the property.

P. Grant - I was just wondering where the propane tank was going to be located?

J. Miller - The gas company decides where the tank will go. They follow the fire code.

P. Grant - Is the shed going to be relocated or not.

E. Bott - Was the shed moved?

J. Miller - What is the square footage on the shed?

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E. Bott - 6.6 X 16

J. Hallett - That's under 144 sq. ft., so that is nothing that we recognize.

J. Miller - You don't need a building permit.

W. Matyjas - I would say it is in the approximate location. I am not going to move it.

E. Bott - We will reconvene at 9:00 on the 18th. Hope it is not pouring rain. We may have to have a special session if you guys want me here. Otherwise, I won't be here for the next one.

D. Horning - Why couldn't we have a meeting on the first Wednesday of the month. We will have a Public Hearing on Wednesday, March 1, 2023.

E. Bott - Ok, I think we are all set for now.

W. Matyjas - Are we going to have the hearing?

E. Bott - We are continuing this on the 1st. I would very strongly get the paperwork in for the deck.

W. Matyjas - Thank you for that.

E. Bott made a motion to close the public hearing, seconded by J. Hallett, all in favor.

Public Hearing concluded at 9:00 p.m.

Old Business

D. Horning made a motion to approve the minutes from the January 11, 2023 meeting, seconded by E. Bott, all in favor.

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

Meeting adjourned at 9:15 p.m.

Respectfully,

Stephanie Seeley, Secretary

