

**Minutes of the Zoning Board of Appeals
Friday, September 26, 2008
Frye Island Community Center**

Present: Tim McCarthy, Rich Kaplan, Bobbi Aranyi, John Gardner, Bill Trenchard, John Schultz

Attendees: Catherine and Kevin Kane 205 & 928, Steve Kaplan 34, Marge Hommel 68

Chairman Tim McCarthy called the meeting to order at 7:04 pm.

Agenda

Minutes and Correspondence

Rich Kaplan moved to accept the minutes of the 8/22/08 meeting; seconded by Bill Trenchard with all in favor. Bill to forward the minutes to Joe Potts for posting on the web.

Application for a Variance by Catherine Kane, 928 Paddock Lane

Rich Kaplan stated that he spoke with John Thompson CEO regarding the appropriateness of using the request for a Special Exception for corner lots and asked if the Kanes would need to file a new request to modify their request for a variance to a request for a Special Exception regarding corner lots. The CEO stated "NO" as long as all the abutters are notified.

Mr. and Mrs. Kane submitted a letter to the chairman stating "We would like to modify our variance application of 928 Paddock Lane to a request for Special Exception.

Kevin said there are no abutters on the sides or on the back- only one abutter across the street.

Bobbi Aranyi wanted to know how it got this far off. Kevin replied he had bought the property with the foundation in and took over the building permit which was issued by the Town.

Rich Kaplan stated that the issue here is whether or not to grant a Special Exception. He read aloud to the board Paragraph 2 (page 48) from Variance and Waivers which explained the difference between Variance/ Waivers vs. Special Exception/ Conditional Use.

He also stated that in the Land Use Ordinance, pages 34 & 35 of 139 Section 101-1-4 General Standards D-1 a,b,c states that corner lots are unique and can be subject to Special Exceptions. He read section 'c' which states "where an owner of a **corner lot** believes that the 30 or 40 foot set back requirement will render appropriate use of the property for a **single-family dwelling** difficult, such owner may request a **Special Exception** upon proof of notification of **all abutters**. Such Special Exception shall require approval only by the **Board of Appeals.**"

Rich moved to accept the Special Exception for the Kanes' corner lot; seconded by Bill Trenchard with unanimous approval.

Tim McCarthy read aloud his updated report regarding Catherine Kane's initial application for a set back variance to a Special Exception request.

Rich Kaplan suggested that someone put together an updated list of ordinances so that the most current documentation would be available to the BOA.

The next meeting will be Friday, October 10, 2008 at 7:00 pm.

Tim asked if anyone had any other new business they would like to discuss. As there was no further discussion, Rich moved to close the meeting; seconded by Bobbi Aranyi with all in favor. The meeting was adjourned at 7:45 pm.

Respectfully submitted,

Inez "Smitty" Kaplan