



0. They purchased their home last year. Their initial plan was to replace the existing deck, approximately 8' x 10' with a farmer's porch and submitted an application for approval to do so. The 8' x 10' deck was removed from the home and placed in their backyard as they planned for their new porch.

0. When the farmer's porch was denied, he had hoped to reattach the 8' x 10' deck but was told by Codes that he could no longer do that.

0. He confirmed that the home is currently without any attachment or deck and would like guidance going forth.

Mark Patterson went over the questioning with the appellant explaining the Board's strict adherence to each question and why it is important to the applicant to follow and answer the questions as presented.

0. Mark further explained to the appellant what he can and cannot do within the limits of the ordinance coupled with current zoning requirements.

0. Mark asked the appellant to explain where he lived as he was not familiar with the applicant's street.

Jane Bowker asked if there were any further questions for the appellant. With no further questions, Jane turned the hearing over to Shirley Sheesley.

The CCEO began her rebuttal by expressing concern to the appellant regarding the lack of any landing to the front entrance as a potential safety issue.

0. Approximately a (2) foot drop to the ground from the doorway. Appellant confirmed.

0. Shirley went through the (8) point questioning giving the Board and the applicant a response to each question and the reason for her denial of the permit.

0. Showed aerial photograph of property and the existing street.

0. Pointed out that the deck did not appear in the aerial view on the Town's website.

0. Confirmed that 9 Gertrude Avenue was accepted as a Town road in 1948 measuring 247.5' long by 40' wide.

0. Explained to the Board the definition of a lot, street as described in the Ordinance under Section 280.5, definitions.

0. Applicant has options and is entitled to a "landing" and "stairs" for egress. I.e. a 4' x 4' stoop. No building permit required for this type of construction.

**0.** If applicant would like to put a roof over the stoop, he could do so after acquiring a building permit from Codes (Section 280.5C of the Town Code).

**0.** When asked by a Board member regarding the removed deck, Shirley expressed that they could apply, within the year, through the Planning Department to replace the nonconforming structure. It does not, however, mean an automatic approval.

**0.** No evidence of a building permit issued for the original deck as noted by the CCEO. Possible that the prior owner put on the deck without a valid permit.

With no further questions for the CCEO, the Chairperson asked the appellant if he had any rebuttal. Applicant stated no.

The hearing was closed to the public for the ZBA to address the (8) questions and to vote on their response. (copies of the Boards "Findings of Fact" is attached to this document).

Mark asked Shirley if she would take a moment to explain the reasoning behind the installation of a roof over the stoop vs. a roof over the now removed previous deck. Shirley referenced the Town Code Section 280.78., Projections.

Jane Bowker asked the Board if they wished to table the discussion on the By-Laws or table the discussion for another time.

**0.** The Board members confirmed there were no current approved By-Laws, only a draft which had not been approved by the Town Attorney. Discussions among the Board proposed the drafts be reviewed for acceptance.

**0.** Shirley suggested that any By-Laws adopted should be reviewed annually and either changed or accepted by the current Board.

**0.** A motion was made by Mark Patterson to meet on the 22<sup>nd</sup> of February to discuss the Town's By-Laws. Motion was seconded with all in favor.

A motion was made to adjourn by Jane Bower and seconded by Jim Wendel. Meeting adjourned at 8:35 P.M.

