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**TOWN OF CHARLOTTE
ZONING BOARD OF ADJUSTMENT
NOVEMBER 19, 2014**

DRAFT

MEMBERS PRESENT: Ben Pualwan, Chair; Frank Tenney, Jonathan Fisher, Douglas Webster. **ABSENT:** Andrew Swayze.

ADMINISTRATION: Britney Tenney, Zoning Clerk.

OTHERS PRESENT: Steve Schenker, John Illick Jr (arrived at 7:12 p.m.).

Minutes subject to correction by the Charlotte Zoning Board of Adjustment. Changes, if any, will be recorded in the minutes at the next meeting of the Board.

AGENDA:

- **Request for reconsideration of ZBA-14-05: The property is located at 2668 Thompson's Point Road and is in the Shoreland Seasonal Home Management District. The applicant is Steven Schenker on behalf of John Illick Jr.**

CALL TO ORDER

Mr. Pualwan, Chair, called the meeting to order at 7:01 p.m.

REQUEST FOR A RECONSIDERATION OF ZBA-14-05: THE PROPERTY IS LOCATED AT 2668 THOMPSON'S POINT ROAD AND IS IN THE SHORELAND SEASONAL HOME MANAGEMENT DISTRICT. THE APPLICANT IS STEVEN SCHENKER ON BEHALF OF JOHN ILICK JR.

Steve Schenker, agent, and John Illick Jr, owner, appeared on behalf of the request.

STAFF NOTES

Mr. Pualwan reviewed staff notes, and noted that the request was for a reconsideration of a ZBA decision from 09/24/2014.

Ms. Tenney said that the applicants were not required to be sworn in since this was a regular ZBA meeting and the Board was not re-opening the hearing.

APPLICANT COMMENTS

Steve Schenker reviewed three points as outlined in a written reconsideration request to the ZBA. Some of the points were brought up at the first hearing. The existing camp has six bedrooms, but only five bedrooms were noted on the Listers' record. Mr. Illick feels that this was an issue. Mr. Illick wants to have six bedrooms, said Mr. Schenker.

Ms. Tenney said that the Listers' cards were a public record and anyone could request a copy from the Town.

Mr. Pualwan said that the house has had six bedrooms and a sleeping porch. One of the bedrooms would be removed so where would the new sixth bedroom be located, asked

48 Mr. Pualwan. Mr. Schenker explained that he understood that once a bedroom was taken
49 out it was expected that the bedroom would not be added at some later date. His client
50 feels this was an issue. The plan was to remove a bedroom, enlarge four of the existing
51 bedrooms, and add a bedroom on the first floor. His client might expand the camp at
52 some future time. A sixth bedroom might be added back in, said Mr. Schenker.

53

54 Mr. Fisher reviewed Town records that listed the camp as a five bedroom camp for the
55 last 40 years.

56

57 Mr. Illick explained that the camp was purchased in 1966. There were six bedrooms, a
58 sleeping porch on the west side of the camp, and an attic that was his father's
59 office/sleeping loft. The floor plan hasn't changed since 1966. In the new configuration
60 an existing bedroom that had a pull-down attic stair would be removed to gain room for a
61 stairway to the attic. He would like to keep six bedrooms, said Mr. Illick.

62

63 Mr. Fisher asked where the sixth bedroom would be located. Mr. Illick replied in the
64 attic. Mr. Fisher said, for clarification, that a sleeping space would be carved out in the
65 attic. Mr. Illick reiterated that the attic was an office/sleeping loft and he didn't want to
66 lose that. Currently there was an existing bedroom with a sink and closet in the space
67 where the new proposed stairs would be. From a use standpoint, there were six bedrooms,
68 a sleeping porch and an attic sleeping loft, stated Mr. Illick.

69

70 Mr. Pualwan read Section 9.9, Appeals and Reconsideration. In order to reopen a hearing
71 there was criteria to meet as per Section 9.9: that there was new evidence to present; there
72 was a surprise, fraud or error; or a change in circumstances that could have unintended
73 consequences. The applicant needed to be clear what they were basing a request for a
74 reconsideration, stated Mr. Pualwan.

75

76 Mr. Illick said the claim was an oversight between Mr. Schenker, the architect, and
77 himself. It was simply a miscommunication. The house has six bedrooms and he wished
78 to continue having six bedrooms. The issue was an oversight on our part, reiterated Mr.
79 Illick.

80

81 Mr. Fisher explained that he reviewed the Listers records back to 1974, which indicated
82 the camp as a five bedroom camp. A question was would the hearing need to be
83 reopened, asked Mr. Fisher.

84

85 Mr. Fisher pointed out an issue related to the number of bedrooms related to septic
86 allocations assigned when Thompson's Point installed a community septic mound system
87 for the camps. What that gpd number was would need to be researched, said Mr. Fisher.

88

89 Mr. Illick said that he was not disputing the Lister's records. When he received a property
90 tax bill there wasn't anything on the bill that said it was an "x" bedroom house. From the
91 zoning standpoint, he would argue that he had certain rights and he wanted to maintain
92 what he already had, said Mr. Illick.

93

94 Mr. Pualwan thanked Mr. Illick and Mr. Schenker for appearing.

95

96 **DELIBERATIONS**

97 The ZBA members entered Deliberative Session at 7:23 p.m.

98

99 **MOTION by Mr. Webster, seconded by Mr. Fisher, to approve a request to**
100 **reconsider ZBA-14-05, for a property located at 2668 Thompson's Point Road that**
101 **is in the Shoreland Seasonal Home Management District; the applicant is Steven**
102 **Schenker on behalf of John Illick Jr.**

103 **VOTE: 4 ayes, 1 absent (Mr. Swayze); motion carried.**

104

105 **MOTION by Mr. Webster, seconded by Mr. Fisher, to approve the Gallpeau Draft**
106 **(#ZBA-14-08), pending the discussed revisions.**

107 **VOTE: 3 ayes, 2 absent (Mr. Swayze, Mr. Pualwan); motion carried.**

108

109 **ADJOURNMENT**

110 **MOTION by Mr. Fisher, seconded by Mr. Tenney, to adjourn the meeting.**

111 **VOTE: 3 ayes, 2 absent (Mr. Swayze, Mr. Pualwan); motion carried.**

112

113 The ZBA meeting was adjourned at 8:15 p.m.

114

115 Minutes respectfully submitted, Kathlyn Furr, Recording Secretary.

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