

**TOWN OF DAY – ZONING BOARD OF APPEALS
REGULAR MEETING – APPROVED MINUTES
OCTOBER 15, 2018
7 PM
PAGE 01 OF 03**

Pledge

Roll Call

Members Present:

Chairman Dave Davidson
Member Lorraine Newton
Member Al Graham
Member Donald Poe
Member June Dixon

Members Absent:

Other Attendees:

Matt Fuller, Counsel
Kenneth Metzler, Code Enforcement Officer
Diana Wahrlich
Richard Wahrlich
Theodora Leonaggeo
Paul Parker

Chair Dave Davidson opened the meeting at 7:00 pm.

Motion, made by Al Graham, seconded by Lorraine Newton to **approve** the minutes from the September 17, 2018 Regular Zoning Board of Appeals meeting was made.

Ayes: Chair Dave Davidson, Lorraine Newton, Al Graham, Don Poe and Member June Dixon.

Carried 5-0.

Old Business: None

New Business: **Area Variance**
Tax Map#32.16-1-13
Richard and Diana Wahrlich

Chair Davidson and members of the Zoning Board of Appeals reviewed the application and map of the Wahrlichs. He explained that tonight's purpose is to decide if the application is

TOWN OF DAY – ZONING BOARD OF APPEALS
REGULAR MEETING – APPROVED MINUTES
OCTOBER 15, 2018
7 PM
PAGE 02 OF 03

complete. Then a Public Hearing will be scheduled for the next meeting which is Monday, November 19th at 7PM. This will give the public their opportunity to give input. It was explained that the members of the ZBA will physically view the property during this 30 days.

Motion to accept the Wahrlich application as complete was proposed by Lorraine Newton and seconded by Al Graham.

Ayes: Chair Dave Davidson, Lorraine Newton, Al Graham, Don Poe and Member June Dixon.

Carried 5-0.

Kenneth Metzler stated to the board that the garage that is being proposed is near the road. There is a garage nearby that is also close to the road. That garage has never been an issue and was built there before setbacks were in place.

Area Variance
Tax Map#33.7-1-33
Paul Parker

A brief discussion was held between the board members, Counsel and Kenneth Metzler determining the rear setback. It is clarified in section 8.5 in the Town of Day Zoning Code. That area has a proportional reduction of 2/3's. Counsel stated that the setback is 16.67 feet with a minimum of 15 feet in that area.

Motion to accept the Parker application as complete was proposed by Lorraine Newton and seconded by Don Poe.

Ayes: Chair Dave Davidson, Lorraine Newton, Al Graham, Don Poe and Member June Dixon.

Carried 5-0.

Mr. Parker's survey map shows a deeded setback. This is different than a zoning setback. This ZBA has no jurisdiction in that area and will not address that issue.

TOWN OF DAY – ZONING BOARD OF APPEALS
REGULAR MEETING – APPROVED MINUTES
OCTOBER 15, 2018
7 PM
PAGE 03 OF 03

The Wahrlich is on a county road and as such all records will be sent to the county when completed. Though he does have a demolition survey for the buildings on the property, it was strongly suggested that those buildings should not be demolished until or if a variance is given.

The applicants were reminded to send certified letters to all neighbors in a 500 foot circle to notify them of the public meeting on the 19th of November at town hall. The certification forms will be returned to the ZBA clerk prior to the meeting.

Correspondence: None

Secretary's Report: None

Motion , made by Lorraine Newton, seconded by Al Graham to **adjourn** this Regular Meeting of the Town of Day Zoning Board of Appeals was made at 7:20 PM.

Ayes: Chair Dave Davidson, Lorraine Newton, Al Graham, Don Poe and Member June Dixon.

Carried 5-0.

Dawn Graham, Clerk