

**TOWN OF DAY ZONING OF APPEALS  
MEETING MINUTES-DRAFT  
JULY 17, 2023  
7:00PM  
DAY TOWN HALL  
PAGE 1 OF 3**

**Members Present:**

Dave Davidson  
Harry Brennan  
Steve Edwards  
April Schmick

**Members Absent:** None

Chairman Dave Davidson opened the meeting at 7:00pm

**Pledge**

**Roll Call**

**Old Business:** None

**Motion** made by April Schmick to accept the June 19, 2023 hearing minutes, 2<sup>nd</sup> by Steve Edwards.

**Ayes:** 4-0

The board members did visit the property again prior to tonight's meeting.

April Schmick stated going back to the property really hit home, with the variance that's being requested and the size of the property. April stated that the banks were not as bad as what was spoken about at the previous hearing meeting from a neighbor. April did have a friend with her the day she revisited the property, who has several years in experience with tree work. April's friend did say the trees were disturbed and was afraid they may fall onto the property. The biggest concern April had was being the building permit was issued it states the property is in compliance with everything, and was wondering how that would affect the board on making their decision being this was self created. Counsel Matt Fuller said the decision can be taken into consideration on whether it was self created.

Harry Brennan stated the Doherty's were allowed to do what he did on the property per the building inspector (Terry). Harry said the bank erosion issue a neighbor was concerned about is

on the Doherty property, not on the neighbors property. Harry said this was self created by the homeowner and the building inspector (Terry).

Steve Edwards stated the property has more room on the left side and felt the house could've been moved over more. Steve feels the bank along the property line is not dug back enough for a retaining wall. Steve was concerned of the trees falling and said he feels a retaining wall should be put up along the bank as well as a fence.

Dave Davidson stated he would be in favor of granting the variance with the condition of a retaining wall being placed, with specifications and approval by the town engineer, Garry Robinson. Dave did say a variance does expire in 6 months if not acted upon, otherwise the variance would expire.

1. Whether benefit can be achieved by other means feasible to applicant.
  - a. Brennan- No
  - b. Edwards- No
  - c. Schmick- No
  - d. Davidson- No
  
2. Undesirable change to the neighborhood.
  - a. Schmick- Yes w/condition of a retaining wall
  - b. Edwards- Yes w/condition of a retaining wall
  - c. Brennan- Now/condition of a retaining wall
  - d. Davidson- No
  
3. Whether request is substantial
  - a. Edwards- Yes
  - b. Brennan- No
  - c. Schmick- Yes
  - d. Davidson- Yes
  
4. Adverse physical and environmental effects.
  - a. Davidson- No
  - b. Schmick- Yes
  - c. Brennan- No
  - d. Edwards- Yes
  
5. Whether alleged difficulty is self-created.
  - a. Davidson- No
  - b. Brennan- No
  - c. Schmick- Yes
  - d. Edwards- Yes

**Motion** made by Dave Davidson to grant the variance conditioned on the retaining wall approved by the town engineer, Garry Robinson. 2<sup>nd</sup> by April Schmick.

**Ayes:** 4-0

**Motion** made by April Schmick to **adjourn** to close the regular meeting, 2<sup>nd</sup> by Steve Edwards at 7:22pm

**Ayes:** 4-0

Tracy Ladd, Clerk