

TOWN OF BELGIUM
BOARD OF APPEALS
June 5, 2013

Call to Order: A meeting of the Board of Appeals of the Town of Belgium was held on Wednesday, June 5, 2013, in the Town Hall at 814 Main Street, Belgium. Chairman Alvin Schueller called the meeting to order at 7:00 p.m.

Also Present: Al Weyker, Gerry Gantner, John Riordan, John Bowers, Charlie Parks, Ginger Murphy, Jeff Coeur, Keith & Micca Schueller, Matt & Sarah Winker and Vickie Ott, Tom Winker, Skip Bichler.

Winker Variance Request: Matt & Sarah Winker request to separate the home from the farmland and barns at 2513 Cty Rd A (01-031-05-001.00) and the use of a shared driveway for the home and farm. This division would not meet setback regulations in accordance with Zoning Ordinance Section 3.6 B. Winker stores feed there and they would like to purchase the farm separate from the house. Al Weyker asked if there were any alternatives for a second driveway. Al Weyker said the driveway should be written in the deed as an easement to the farm. Tom Winker stated there would also be a shared well. John Riordan stated the land is agricultural and the division is the intention of the Master Plan to keep it agriculture and not residential. Charlie stated they are preserving the use of the farm and the intent of the land. The properties could possibly come back together. Motion by Weyker to recommend use of the shared driveway, second by Riordan; motion carried unanimously.

Motion by Weyker to grant the variance for setback, second by Gantner. Bowers asked for conversation regarding the setback request. Bowers stated it is ok as long as the entire farm stays in the family. Alvin Schueller asked Charlie his opinion, and he is ok with the setback variance as long as the farm comes back together and as long as both parties are agreeable, he doesn't have a problem with it. Motion repeated and carried unanimously.

Nyhan Variance Request: Michael Pelant, representing Larry Nyhan, request to construct an accessory structure at 5068 Country Club Beach Rd. (01-020-001-003.00) in the side yard as opposed to the street yard per Zoning Ordinance Section 5.2 F. Mr. Pelant explained the architecture of the art studio. Proposed new sanitary system placed by the studio. Al Weyker said placing a bathroom in the studio indicates it may be habitable. Mr. Pelant stated it would be a half bath. Bowers stated the property could not be divided. John Riordan stated the guidelines are that there must be unnecessary hardship. He thought there may be a possibility to move the studio closer to the road which would put it in the street yard. Motion by Riordan to deny the variance, second by Weyker; motion carried unanimously.

Schueller Variance Request: Keith & Micca Schueller request to construct a garage at 1983 Cty Rd D (01-020-001-003.00) which would not meet setback required by Zoning Ordinance Section 3.6 F. They wish to build a 24 x 36 garage and need to set it as close to Skip Bichler's property line as possible. It would be flush with the existing shed. John asked what the unnecessary hardship is to warrant the variance. He wants to be able to drive between the two buildings instead of driving all the way around the shed. Mr. Bichler has no problem with the garage next to his property line. Charlie stated setback variance without hardship is not acceptable. Al explained that there are other places to put the building. Keith stated he wants to keep the yard open with equipment getting bigger and bigger. Tom stated he views it on the common sense side, and understands how Keith wants to keep the yard open. Bowers doesn't see a problem except that there is 40 feet to play with and Keith stated there is an issue with snow melting onto the next shed. John Riordan stated that there is no hardship and also felt that possibly the ordinance should be changed. Charlie referred to Section 8.7. John referred to the ZBA handbook and does not see a way to grant the variance since no hardship exists. Motion by Riordan deny the variance as presented, Gantner second; motion carried unanimously.

Adjourn: Meeting adjourned at 8:19 p.m.

Respectfully Submitted
Ginger Murphy, Clerk