

PWhite

From: timothy Mccarthy [temaryamccarthy@hotmail.com]
Sent: Sunday, July 23, 2006 12:43 PM
To: fryeenterprises@comcast.net; John Gardner; Paul White; Dave Lowe; Rich Kaplan; Bobbie Aranyi
Subject: RE: Frye Appeals Addresses

Master File 6/23/06
Frye Island Board of Appeals 6/23/06

Rec Center

Ernie Wrzesinsky made a motion to open the meeting at 7:15 Ernie made a motion to nominate Harry Molloy as the acting Chair Person Bobbie Aranyi seconded All members in favor

Bobbie Aranyi made a motion to accept the minutes of the May 26th meeting minutes Ernie W made a second All in favor.-Unanimous

Chair Molloy introduced the appeal of the Blackmore's
Chair Molloy asked the CEO Paul White to provide a summary of the appeal. The Blackmore's are looking for a 4" variance. Original house was done in 1992 Chair Molloy asked Bobbi Aranyi if all abutters had been sent a notice. COE indicated that all abutters had been sent a letter,. There were 2 abutters that received letters to the address on file. They were returned.

Gerald Blackmore was asked by Chair Molloy if he wanted to provide a summary of the situation. They applied for the permit which was granted. Originally they were making it the same size but they found the stringers were only 2 feet apart and needed to be shored up. Had hoped the stairs were part of the original structure. If they thought the deck would require a variance they would have applied last year.

Originally wanted to keep a line of the house straight. There are no existing structures beside them and across.

Ernie W stated there is a similar case on the island where there is a precedence that an owner was told to move the structure or purchase the land next store. The finding of fact was that the applicant did not meet the 4 hardship criteria.

Tim Mccarthy suggested that the board read the 4 criterion that must be followed be read to the Blackmore's.

The land in question can not yield a reasonable return unless the variance is granted:

Mr. Blackmore indicated the land had large boulders and they were concerned for safety. If the deck has to be moved or cut down it will require a costly modification.

CEO White reminded the board that the reasonable return is using the deck with out a variance.

Need for Variance due to the unique circumstances of the property and not to the general conditions of the neighborhood:

MR. Blackmore stated due to the angle of the cottage and the curve of the road the variance is requested. Mr. Wrzesinsky stated House was built while in Standish.

The granting of a variance will not alter the essential character of the locality.

Mr. Blackmore tried to maintain the general architecture of the house. He stated that he has received numerous complements on the design of the cottage.

The Hardship is not the result of action taken by the appellant or a prior owner.

MR Blackmore stated the angle of the land and the curve of the road has caused this

hardship.

Mrs. Aranyi asked if CEO White granted the permit. Mr. Blackmore indicated yes, one of his priorities is to look at set backs and he remembered telling Mr. Blackmore to be aware of the setbacks.

Mr. Molloy noted he drove by and did not think it look that far back.

Mr. White said technically anything that supports a person is considered structure.

Marge Hommel (audience) stated she supported the request, That the hardship was trying to make it even and requesting 4'.

CEO White made a statement that if the town wanted a 35' setback the ordinance should be changed

Mr. Wrzesinsky stated that he felt that the terms of #2 on the building permit process requires the builder to provide exact sizes and location of existing buildings and structures.

Mr. Molloy asked the Blackmore's if they wanted to mention any last comments.

Mrs. Blackmore indicated they made a mistake. Mr. Blackmore mentioned they purchased the property next store so they could put the screen porch on. He stated that maybe he made a Dum assumption and did not measure. Mr. Blackmore indicated it would be less functional. Mr. Blackmore wanted to state for the record he did not intend to extend any closer and made an honest mistake.

Mr. Molloy Opened the conversation to the board:

Mr. Molloy read the 1st Question

The land in question can not yield a reasonable return unless the variance is granted:
Mr. Molloy Asked the board if the applicant has met the reasonable return all in the affirmative: Minutes show zero. All in the negative All negative

The granting of a variance will not alter the essential character of the locality

How many in the affirmative-unanimous

Need for Variance due to the unique circumstances of the property and not to the general conditions of the neighborhood:

How many in the affirmative -unanimous

The Hardship is not the result of action taken by the appellant or a prior owner.

Unanimous -negative

Ernie W made a motion to grant the variance of a 4' setback from the existing setback. Bobbi seconded. Mr. Molly asked how many were in agreement of accepting the appeal. Negative -Unanimous.

Mr. Molloy notified the appellants that they have 45 days to appeal the boards decision.

In attendance/signed in:
David Lowe