

TOWN OF BELGIUM
BOARD OF APPEALS
December 8, 2009

Call to Order: A meeting of the Board of Appeals of the Town of Belgium was held on Tuesday, December 8, 2009, in the Town Hall at 814 Main Street, Belgium. Chairman Alvin Schueller called the meeting to order at 7:00 p.m.

Also Present: Bert & Regina Bares, Victoria Toner, Tom Winker, Al Weyker, Gerry Gantner, John Bowers, Charlie Parks, John Riordan and Ginger Murphy.

Alvin Schueller appointed Tom Winker as temporary chairman and John Riordan a voting member of the Board due to Mr. Schueller abstaining from hearing the Bares's appeal.

Ordinance Interpretation Appeal: Bert & Regina Bares, 2176 Cty. Rd. D, are appealing the decision of the Zoning Administrator that a building permit was required to enclose the cement patio on their home. A permit was obtained May, 2007, for a cement slab, and the enclosure was built in April, 2008. The original permit did not include the construction of an enclosure over the cement slab; therefore, the Zoning Administrator determined that a second permit was required. In accordance with the Zoning Ordinance, a double fee must be paid for an after-the-fact permit.

Mr. Bares claims that the noise from a neighboring business made it necessary to enclose the cement slab and his contractor advised him that another permit was not necessary.

The ongoing complaint of a noise problem with Sharon Cutwell, Inc. was discussed. Another attempt to achieve a compromise with all parties involved will be made by Tom Winker.

Motion by Riordan that in light of the coincidence of two unrelated but impacting issues affecting the applicant's appeal, it is hereby proposed that in the purpose of upholding both the letter and the spirit of the Town of Belgium Zoning Ordinance, that the penalty fee for after-the-fact building permit be waived in this unique case and the applicant be required only to pay \$150.00 for this building permit, second by Bowers, and all voted in favor. Motion carried.

Alvin Schueller regained chair and John Riordan stepped down from the Board.

Variance Request: Jack and Victoria Toner, 4900 Upper Forest Beach Rd., request to build a detached garage forward of the primary residence due the topography of the lot. The structure will be at a 45 or 90 degree angle off the existing garage. If the garage would be attached to the house, a variance would not be required. The existing garage will remain a garage and the new garage is intended for storage and not living space.

Motion by Winker to allow the variance, second by Weyker, and all voted in favor. Motion carried.

Adjourn: Meeting adjourned at 7:55 p.m.

Respectfully Submitted
Ginger Murphy, Clerk