

**MINUTES  
VARIANCE BOARD MEETING  
JANUARY 17, 2018**

The meeting was called to order at 7:30 a.m.

Present: Members: Short, Johnson; Planning Commission Chair: Denn; Planner: Riedesel; Applicant: Nathan Landucci.

**APPROVE AGENDA:** The agenda was approved as submitted.

**APPROVE MINUTES:** Johnson moved approval of the November 30, 2017 Minutes. Denn seconded. Ayes all.

**NATHAN LANDUCCI, 5508 West Bald Eagle Boulevard – Request for: 35’ Right-of-Way Setback Variance; 17’ Lakeshore Setback Variance; 6’ Height Variance; .75’ side Setback Variance; 5.5% Green Area Variance; 100 Square Foot Guest Cottage Size Variance:** Riedesel summarized the proposal to replace the West Bald Eagle Boulevard garage, which is the garage lot for Bald Eagle Island, with a new structure. The new structure is proposed to include a guest cottage on the second story. The existing garage is 26’ wide x 24’ deep. A Conditional Use Permit is required to construct a guest cottage.

The Variance Board met with Mr. Landucci in November. At that meeting, the Variance Board recommended that the proposed guest cottage be reduced in area and the kitchen be eliminated from the proposal.

The garage lot is 2,613 square feet in area. The island is over an acre in area but cannot be tied to the island for tax purposes since it is located several hundred feet from the garage. The County will not tie the two together due to the distance between the structures which are in different sections. As a result, a 5.5% green area variance must be approved for the new structure.

The Variance Board discussed the requests and it was the consensus that the two properties should be tied together for zoning purposes. Since the County will not tie the

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properties together, the Variance Board would like to see a deed restriction on the properties which will keep the two properties together and cannot be separated.

Johnson noted that he has been doing research with regards to accessory buildings and state code. The State Building Code requires a building permit for any structure over 200 square feet in area. The Town requires a building permit for an accessory structure over 150 square feet currently. Johnson feels that a Zoning Permit should be issued for any accessory structure less than 200 square feet in area.

Johnson also feels that the maximum allowable height of accessory structures should be limited to less than it is now. There was discussion regarding Mr. Landucci's proposed building. It was noted that the proposed structure is considered a guest cottage.

The Variance Board discussed the details of Landucci's proposal. The size of the guest quarters was discussed, it was calculated by Nate Landucci as 672 square feet in area on the second story. The footprint of the garage is approximately 800 square feet.

The existing garage has a 0' setback from the right-of-way. The new structure is proposed to have the same setback (0'). The Variance Board discussed extending the driveway so the garage has a setback from the road. It was noted that adding to the driveway will increase the impervious area on the lot.

Johnson noted that an accessory structure cannot be used for sleeping. The plan revisions as presented by Mr. Landucci meet the recommendations of the Variance Board discussed at the November meeting.

Short asked Landucci – What the purpose of the guest cottage is proposed to be and how will it be marketed when the home is put up for sale?

Landucci plans to define the building as a refuge area when the weather makes crossing the lake dangerous.

Short noted that the Bald Eagle Island zoning district could be amended so the proposed accessory structure is defined as a "place of refuge" vs. a guest cottage.

Landucci prefers to call the proposed living quarters a "guest cottage" since it is currently permitted and regulated by the Ordinance. He noted that he has followed the direction given to him by the Variance Board, the size of the guest cottage is less than 400 square feet in area and improvements were eliminated from the cottage such as the kitchen.

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Short suggested that due to the small size of the lot, the purpose of the structure should be limited to a “place of temporary refuge” vs. a guest cottage.

Landucci noted that the unit will see very little use and will not be used for rental purposes or living quarters, etc.

Short noted he supports the concept for the “temporary refuge”. He would like to see the garage lot tied to the island with added restrictions. He would also like to see the Town amend the Zoning Ordinance, eliminating the “commercial/residential recording and film post production studio” from the list of uses permitted in the BEI District.

Landucci can support the elimination of the “studio” from the list of Conditional Uses in the BEI District.

Short recommended the island and garage lot zoning be consistent as BEI. Short felt he could support a 31% coverage on the lot since the overall impervious area when the island is included in the calculation is much less than 25%. He also proposed the following additional requirements:

- The “temporary refuge” cannot be used more than 30 days per year.
- The “refuge area” cannot be used for more than 2 consecutive days.
- The garage lot shall be rezoned to BEI.
- Recording studio shall be eliminated from the list of Conditional Uses in the BEI District.
- Refuge area must be defined and included in the amendment to the BEI District.
- The Town will allow the use of a portion of the garage as a temporary refuge only so long as there is a house located on Bald Eagle Island.
- This is considered a unique and necessary connection to the island and is considered part of the island property.

The Variance Board requested Mr. Landucci submit a survey for the property.

Short recommended approval of the requested variances subject to the conditions described above. Johnson seconded. Ayes all.

The meeting adjourned at 9:15 a.m.

Respectfully Submitted,

Tom Riedesel  
Planner

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