

**MINUTES OF THE  
SUMMERFIELD BOARD OF ADJUSTMENT  
SUMMERFIELD COMMUNITY CENTER  
January 27, 2011  
6:30 P.M.**

NOTE: The official minutes are a CD recording of the meeting. The following is a summary of the events of the meeting.

The meeting was called to order at 6:32 pm by Chair Gene Grubb

**INTRODUCTIONS:**

Gene Grubb, Chairman  
Mike Stewart  
Ron Willis  
Jim Brady

Lewis Nash  
Will Rozell, Town Attorney  
Chris Anderson, Town Planner  
Carrie Spencer, Clerk to the Board

Mr. Grubb summarized the Boards' responsibilities and reviewed the process

**3. CONSENT AGENDA:** With no objections, the agenda was approved. With no additions or deletions from the minutes from the August 26, 2010 meeting, they were approved.

Dan Alexander, 5306 Nantucket Rd, Summerfield, and Joseph Leggio 5415 Ashbey Ln, Summerfield, were sworn in.

**4. NEW BUSINESS**

Mr. Grubb switched the order of the two cases on the agenda.

**CASE 05-10-V:** Stuart Smith

Case 05-10-V was withdrawn per request from the applicant.

**CASE 04-10-V:** Gerald Swanson

Mr. Anderson presented the case, pointing out the applicant's request on a drawing.

Mr. Willis asked if he should be recused from the case as he is a neighbor to the applicant, and does not want to give the appearance of bias. Mr. Rozell suggested that Mr. Willis does not need to recuse himself unless he wants to.

Mr. Rozell stated that the application has been resubmitted by the applicant, upon request of the attorney, to fix some procedural problems with the original application.

Mr. Anderson stated that topography played a part as a hardship with the case. He passed out a list of the findings of fact

**Public Hearing**

Dan Alexander, representing the applicant, spoke in favor of the application. He stated that locating the building behind the house meets with difficulties such as a drop offs on both sides and a septic system. He added that the structure will have the same design as the existing garage, including cedar siding and the same roof slope. He added that the garage will house lake vehicles out of sight.

He stated that locating the building in front of the house is not possible according to the regulations. He stated that the building does not negatively affect public safety, adding that topography is the main problem. Mr. Grubb asked if more or less trees would have to be removed to locate the building according to the regulation and he stated that he would have to remove more. Mr. Nash asked about the applicant's reference to future additional expansion and Mr. Alexander stated that the applicant may want to expand the existing bedroom which would be very difficult if a garage was located on that side. Mr. Anderson added that such an addition would be allowed by regulation. Mr. Brady asked how close the adjacent property's house is, and Mr. Alexander stated it is located 50-70 feet away, and Mr. Willis added that it is located in the middle of the property.

Mr. Grubb invited comments from the audience, and hearing no comments in favor or opposition, he closed the public hearing.

Mr. Brady made a motion that the requirements of 9-48C are satisfied, and read the findings of fact listed in Article 9-5.8 C and D. He stated that the hardship is due to the topography of the lot. Mr. Stewart seconded the motion, adding that it is better for the environment not to disturb soils, and Mr. Grubb called for a vote. The motion was approved unanimously.

## **5. OTHER BUSINESS**

Mr. Stewart nominated Mr. Grubb as Chair for another year, Jim Brady seconded, and the motion passed unanimously. Mr. Grubb nominated Mr. Brady for Vice Chair, Mr. Stewart seconded, and the motion passed unanimously. Mr. Anderson swore in new members Mr. Nash and Mr. North to the board.

Mr. Stewart asked about training for the members, and Mr. Anderson stated that he and the attorney were working on By-Laws for the board to consider and adopt. Mr. Anderson stated that there will be an interpretation of the ordinance on the agenda: a determination of whether or not a Wine Bar is the same as a Bar. Mr. Rozell offered to hold a training session at any time. It was agreed that a training session would be held after the next meeting.

Mr. Willis stated that half of the cases they have heard concern detached garages in front of the home, the majority on larger tracts of land and away from the road. The board had asked for the Zoning Board to review their request to waive the requirement and Spencer stated that it is on a list of issues that will be addressed in an ongoing re-write of the Development Ordinance. Mr. Anderson stated that there are funds in the budget for training and reminded the board of the training attended last February. Mr. Grubb asked Mr. Anderson to keep an eye out for such opportunities.

## **OTHER BUSINESS:**

With no further business, Mr. Stewart made a motion to adjourn, Mr. Nash seconded, and the meeting adjourned at 7:22.

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Gene Grubb, Chair

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Chris Anderson, Clerk to the Board