

**Town of Urbana  
Zoning Board of Appeals  
Minutes  
June 19, 2008**

**BOARD PRESENT:** Chairman Richard Watson, Nichole Dresser, Charlie Egresi, Robert Domras, and Richard Frey

**OTHERS PRESENT:** Jack Lind, Helen Frey, Mary Farmer, R. Scott Markle, Mary Markle, Holly Markle Temple, Lori Markle Hoy, Roe Frey Tuffned, Patty Frey Cavallari, Bev Webster, John Webster, and Zoning Officer Robert Magee

The Town of Urbana Zoning Board of Appeals held a Public Hearing on June 19, 2008 at the Town Hall at 7:00 p.m.

Chairman Watson opened the Public Hearing at 7:00p.m.

Watson stated that we have a quorum.

Public Notice is on File with the Town Clerk Office.

Mr. Frey recused him self from the board, because the application is his.

Chairman Watson read the form received from the county, which stated no consideration dated June 12, 2008. There was also one from the Town of Urbana Planning Board, which also stated negative determination.

The Board received letters from the Markle, who are neighbors of Frey's, chairman Watson read the letter aloud. Mr. Watson asked Mr. Markle if he had a response to his letter he said not at this time.

Mr. Frey spoke his reasons for wanting to rebuild his existing Dock, he said that the ice from 2007 damaged his dock and it is very unsafe. The piling need to be replaced there is no support any more. He would like to use the same foot print that is their. I received papers from the Zoning Officer stating that is you have a natural disaster or damage from ice you can replace your existing dock.

Neighbor Jack Lind on the south side of Frey spoke he was in favor of Mr. Frey's Dock.

Mr. Webster another neighbor of Frey also spoke about the Docks&Moring law that took place a few years ago and the different aspects of it.

Patty Frey Daughter of Mr. Frey spoke about how unsafe the Dock was at this time.

Mr. Markle, neighbor of Mr. Frey spoke that the dock was unsafe, but explained why Mr. Frey should not receive the variance.

Board Member Egresi asked Mr. Frey if he was going to Build a new dock or repair the old one, Mr. Frey said that he was going to replace the dock with the same foot print.

Zoning Officer Magee spoke on when he received the application from Mr. Frey to replace his preexisting dock, before he made his decision he called around to other Municipalities to find out how they interpreted the code. The ones he spoke to had a few different answers, he also spoke with the Planning Board for the State and Attorney Reed and they both said that you have to go by what the Law says and everyone should interpret the same. Zoning Officer Magee said that what is in the Law is what I have to enforce and that is why I denied it. If Mr. Frey is going to replace his dock it has to be caused by Natural Disaster and Zoning Officer Magee had photos from earlier years to show the Dock was in bad shape before the Ice in 2007.

Mr. Frey wanted to know if Zoning Officer Magee had anything in writing from the Town Attorney. Zoning Officer Magee said no he was just asking for the Attorney opinion in this case.

Board Member Domras spoke that we are not saying that he can't have a dock he has to comply with the set backs and move 10ft. So therefore he needs a variance.

Chairman Watson motion to close the Public Hearing at 7:59p.m. Domras Second all were in favor.

Chairman Watson opens the regular meeting at 8:00 p.m.

### **Old Business**

Watson motion to approve the Minutes from May 21, 2008, Dresser Second all were in favor

### **ROLL CALL VOTE**

Dresser aye  
Egresi aye  
Watson aye  
Frey aye  
Domras aye

The application from tonight public Hearing was discussed after discussion on how Mr. Frey could change how he does his dock so that he could receive a Permit. The Board completed a VR2 Variance Findings & Decision.

Egresi motion to accept the Findings & Decision second by Domras.

**ROLL CALL VOTE**

Dresser Abstained

Egresi aye

Watson aye

Frey Requested him self

Domras aye

Board Member Domras motion to deny the Variance second by Egresi

**ROLL CALL VOTE**

Dresser Abstained

Egresi aye

Watson aye

Frey Recused him self

Domras aye

Chairman Watson told Mr. Frey he would receive his notice of Action VR3 with in Five Business days of the Meeting.

Meeting was adjourned at 8:34p.m.