

LYCOMING COUNTY ZONING HEARING BOARD MEETING MINUTES

Executive Plaza Building

1st Floor Commissioner’s Board Room

January 27, 2021

6:00pm

1. CALL TO ORDER

Chairman Bill Klein called the meeting to order at 6:01pm.

1. ROLL CALL (Members & Alternates)

**Members Present**: Bill Klein, David Hines

**Members Present via Conference Call:** Rom Andraka, Chris Logue, Dan Clark, Leslie Whitehill

**Members Absent:**

1. MINUTES OF PREVIOUS MEETING

The September 23, 2020 meeting minutes were approved as presented. David Hines motioned to approve, Chris Logue second motion. Motion carried.

1. **Appointment of Officers**

David Hubbard started the meeting with elections of officers. Officers for Chairman, Vice Chairman, Secretary and Recording Secretary. The officer’s terms will begin immediately following the annual meeting and will expire at the next annual meeting. The officers may succeed themselves.

Chairmen – David Hines made motion to nominate Bill Klein as Chairman, Chris Logue second motion. Motion carried

 Vice Chairman- Leslie Whitehill made motion to nominate David Hines as Vice Chairman,

 Chris Logue second motion. Motion carried.

 Secretary - Chris Logue made motion to nominate Leslie Whitehill as Secretary, Dan Clark

 second motion. Motion carried.

David Hubbard noted there are two vacancies for alternative members. If anyone knows of someone that may be interested to contact him or anyone in the Planning Department. The name will be submitted to the commissioners in order to get the vacancies filled.

1. NEW BUSINESS

Bill Klein spoke to the board on forming a committee to review the By Laws. There are some additions and corrections that need made, the time needs to be changed from 7pm to 6pm. Chris Logue volunteered, Bill confirmed for the two of them to review the By Laws.

1. **ZHB Case 2020-009**

 **ZHB Case # 2020-010**

 **Zachary & Courtney Mauck**

 **Piatt Township**

 **Variance – Structure Expansion**

 **Appeal Variance – Structure Expansion**

**Seated Members:** Bill Klein, David Hines, Dan Clark, Leslie Whitehill, Rom Andraka

Fred Holland, suggested to hold a discussion on this case and following case due to same parties, same property to have at the same time, therefore accepting all the evidence at once.

David Hubbard stated there is nothing different from this case to the next for the Variance. Depending on where this case goes how to approach the next one. One is an appeal to the decision but the Variance is first.

Fred Holland suggested an agreement that all the evidence submitted would apply to both hearings.

Scott Williams, applicant’s representation, stated he agreed to present everything in one hearing.

Fred Holland stated he wanted to have a more efficient way that all evidence accepted and supplied would be for both hearings.

Bill Klein asked seated members to agree to be seated for both hearings 2020-009 and 2020-010. All seated members agreed.

David Hubbard open the hearing by reading a letter that was sent to Mr. Williams regarding why they asked for a consent on behalf of the Zoning Hearing Board to postpone the hearing until the regularly scheduled meeting in January. It was because of weather storm, it was not safe to have the meeting so they needed to get consent from the parties to move the meeting.

David Hubbard presented to the Zoning Hearing Board case number 2020-009 combined with 2020-010, for a VARIANCE and if needed an appeal from section 5160F from the Zoning Ordinance.

Tax parcel 45-366-106 located in Piatt Township. Zachary & Courtney Mauck of 158 Larrysville Road, Jersey Shore, PA 17740 are requesting a VARIANCE to continue the expansion of a non-conforming 512 sq. ft. structure to a 30 x 45, 1350 square foot garage. The property fronts township road along the property’s Northwestern lot line. Section 5160F.2 of the Lycoming County Zoning Ordinance provides standards that govern special provisions for accessory structures in the Regulatory Floodplain, which states, “The ground floor area shall not exceed six hundred (600) square feet.” The building is 1350 square feet, which will require a variance of 750 square feet of dimensional relief. It should be noted that a 512 square foot structure was preexisting prior to the new construction/expansion of the structure. The new structure will comply with all the requirements of Section 5160E.1 and 5160F.7 accordingly.

The property is located in Piatt Township on tax parcel 44-366-106, in the Countryside (CS) Zoning District in the Regulatory Floodplain. It contains a Single Family Dwelling and two outbuildings on approximately 0.55 acres.

General Standards for Variance uses are specified in Section 10420 of the Lycoming County Zoning Ordinance. Procedures for Variances and Appeals are listed in Section 10430.

David Hubbard reviewed the following communications:

1. Notices sent to interested parties: Lycoming County Planning Commission, Lycoming County Commissioners, Piatt Township Supervisors, Applicant, Applicants Attorney, Solicitor and the Zoning Hearing Board.
2. Legal notice published in Sun-Gazette 12/1/2020, 12/8/2020 and 1/12/2021, 1/18/2021.
3. The property was posted on 12/3/2020 and 1/14/2021.

The Zoning Hearing Board packet containing the Zoning permit application, Variance request application, Copy of LCPC comments from Shannon Rossman, Overhead GIS sight plan view, Sketch plan.

The following are exhibits presented by David Hubbard:

Z#1 – Letter from Fred Holland to Scott Williams

Z#2 – ZHB packet Case # 2020-009

Z#3 – Letter from Shannon Rossman

Z#4 (1) – Copy of Legal notice published Sun-Gazette 12/1/2020 & 12/8/2020

Z#4 (2) – Copy of Legal notice published Sun-Gazette 1/12/2021 & 1/18/2021

Z#5(1-4) – Property posting 12/3/2020 & 1/14/2021

Z#6 (1-5) – Pictures of Garage – Case # 2020-010

Z#7 – Appeal packet Case # 2020-010

Z#8 – Letter from Shannon Rossman

A#1- Letter to Piatt Township

A#2- Parcel View

A#3 – DEP packet & application

A#4 – Plans

A#5 – Email to Zachary Mauck from Rodney Neitz, Central Keystone Codes

A#6 – Pack from Brooks Engineering Services (DEP Permit, Elevation Certificate)

David Hubbard noted for case # 2020-010, that he had the report justifying the 600 square foot.

Fred Holland suggest entering the report for exhibit Z#7 for case 2020-010.

David Hubbard read the report for case 2020-010. The applicant is requesting a hearing to appeal the Zoning Administrator’s finding that the structure (garage) built at 158 Larrysville Road is in violation of Lycoming County Zoning Ordinance. The applicant has constructed a 1350 square foot accessory structure. The applicant failed to apply for and acquire a Zoning permit prior to development in the regulatory floodplain as required by the Lycoming County Zoning Ordinance. The structure straddles the flood fringe and the floodway. According to 5160F Special Provisions for Accessory Structures (2) the ground floor areas shall not exceed six hundred (600) square feet.

David Hubbard read the letter from Shannon Rossman, exhibit Z#8.

Bill Klein ask how many square feet are in the flood fringe.

Scott Williams stated to David Hubbard that Mr. Mauck had an existing structure on the property, isn’t that right.

David Hubbard response to question, that is correct.

Scott Williams stated that structure was on the boundary line between floodway and flood fringe, that the county has not done any surveys to determine the exact number of square foot of that structure that was in the flood fringe as opposed to the flood way.

David Hubbard stated, he went off the plan of the engineer, Mr. Brooks.

Scott Williams stated the Mr. Mauck did some construction to enlarge that garage.

David noted he expanded on a non-conforming structure in doing so he encroached into the floodway.

Scott Williams clarified that all the new expansion was in the floodway.

David response, that is correct, structure was built without a doing a permit.

Scott Williams asked, when you found out about it, on behalf of the county you stopped the construction, isn’t that correct?

David Hubbard responded, myself and building codes.

Scott Williams stated Mr. Mauck then submitted an application for the permit, correct?

David Hubbard response, correct.

Scott Williams stated David issued a letter dated September 18, 2020 denying that application. David Hubbard response, that is correct.

Scott Williams submitted exhibits

 A#1 – Denial letter September 18, 2020 from David Hubbard to Piatt Township

Scott Williams read the letter to the board.

Scott Williams stated to David Hubbard the reason you denied Mr. Mauck’s permit for the expansion was in violation of section 5160F(2) of the County Zoning Ordinance, is that correct. David Hubbard response, correct.

Scott Williams called Mr. Mauck to testify. He asked Mr. Mauck to state his name and address. Scott Williams asked Mr. Mauck if he was the owner to the property.

Mr. Mauck stated, yes.

Scott Williams stated to Mr. Mauck you had started the project without getting a permit, is that correct?

Mr. Mauck’s response, yes. He had a conversation with one of the townships guys, not Mr. Edwards. One of the township guys come around he stopped they were talking, he asked when he was going to do something with his garage. He said he wasn’t that he had put an addition on to his house a couple years ago, that was a bunch of hoops so he wasn’t doing anything with the garage. The township guy stated that was a garage nobody lives in it, leave the walls standing you can do what you want to it. He said that is where the conversation was left and went ahead being under that assumption.

Scott Williams presented to the board exhibit

A#2 – Parcel Viewer

Scott Willams asked Mr. Mauck if he knew he had to get a permit from county zoning to do renovations to the garage.

Mr. Mauck stated, no.

Mr. Mauck described this property in relations to neighbors. The neighbor down stream of him has a barn that is closer to the creek then any of his buildings. There is a horse pasture, one room schoolhouse. The other side of him had a camper and a lot of brush with a barn. The next property over also has a structure behind it.

Scott Williams asked Mr. Mauck if the property that was built had it been flood proofed yet? Mr. Maucks response, no. He contacted Mr. Brooks for flood proofing. To flood proof it needs vents, doors, he hasn’t touched the building since August 21, 2020. If he is not allowed to keep the garage he will be out all the money he put into it. He doesn’t know what it will cost to demo and clean up. Doesn’t know where he is going to put the tools he had in his existing building if it can’t be there.

David Hines asked Mr. Mauck what the permit was for a few years back on the house.

Mr. Mauck stated, yes on the house.

David Hines asked if he called the county to get the permit. Mr. Mauck did not remember how he started that.

Scott Williams called Mr. Edwards to testify and sked him to state his name and address.

Scott Williams asked if he was familiar with the property and if he was a resident of Piatt Township.

Mr. Edwards stated, yes, he is a Township Supervisor, that the Township owns the schoolhouse next door. He was contacted for an existing wall, that when they had their own zoning they took care of this stuff. He stated maybe he was wrong but they never had flooding at the schoolhouse. He said it doesn’t make sense to him that they changed the lines, but there has never been a flood there.

Scott Williams asked Mr. Edwards, since he is a supervisor does he have any objection to the expansion.

Mr. Edwards stated, its not really hurting our place next door and looks better than what it used to. He did a lot of work on the house. There are many other structures there and closer to the creek. He went to school there and water never came up in the yard.

Mr. Mauck stated his grandparents lived there for 55 years that is who he bought the house from. His grandfather said in 72 it never came over the creek bank. He does understand that is FEMA and not County.

Mr. Wiley asked Mr. Edwards, you stated that you own the property adjoining Mr. Mauck’s property, is that yours or the townships?

Mr. Edwards said, the township, they owned it since 1958. He first was a supervisor in 1982, in and out for some time.

Mr. Wiley asked Mr. Edwards when he would have been around or known of the property when it flooded.

Mr. Edwards said, in first grade, he graduated in 1965.

Scott Williams called Jeff Brooks to testify. He stated his name and address and noted he owns Brooks Engineering Services. He is a registered engineer with 31 years as a registered engineer. He does a lot of structural engineering for the board with a lot of the flood work. He did 26 properties up route 87 since the flood of 2011. He is familiar with FEMA regulations and has taken specialized courses. He deals with DEP regarding Flood Plain regulations on a weekly basis.

Scott Williams asked that Mr. Brooks if he had looked at Mr. Mauck’s problem,

Mr. Brooks stated, he did.

Scott Williams asked that Mr. Brooks be qualitied as an expert in flood plain regulations and Flood Plain work in Lycoming County.

David Hubbard asked Mr. Brooks if he was a CFM, Certified Flood Plain Manager.

Mr. Brooks stated, he is not.

Mr. Wiley stated he does not have any objections as to Mr. Books staying into the confines of his area of Certified Professional Engineer for the state of Pennsylvania. He does not think he is willing to give any specialized expertise beyond his engineering skills.

Scott Williams stated Mr. Brooks does concentrate in the area of Flood Plain Regulations thru DEP, FEMA and thru the County. He is asking for Mr. Brooks to be recognize as an expert in Engineering with particular concentration in those areas of Flood Plain Regulations.

Fred Holland stated Mr. Brooks is qualified as an expert with limitations.

Mr. Brooks stated he was contacted by Mr. Mauck via telephone to come look at the site, which he did.

Mr. Brooks stated there are three things he looks at that you have to have in order to get a permit. Anytime you do work in the floodway you are required to get a PA DEP/Army Core combined permit called a Small Projects Joint Permit. First thing he looks at is if the project is going to increase the 100-year flood level, which it would not if done correctly. Secondly, is it going to deflect water onto an adjacent building or property differently than it would have an adverse effect, preliminary determination it would not. Thirdly, will it narrow the stream up in proposing what they would like to do, which is the one Mr. Brooks was concerned about. With the barn a few feet down the stream from the Mauck property, it is closer to the stream so it would not, so there would not be any reduction in the cross section of the stream. With those three conditions, Mr. Brooks told Mr. Mauck he would be able to prepare and submit as Small Projects Joint Permit for him to remedy that one small part of the problem that he had as being denied.

Mr. Brooks reviewed the packet that was submitted to DEP/Amy Core for a Small Projects Joint Permit. Copies to Township official, Attorney and the Client. Other information in the packet consists of pictures, information on the building and a set of drawings.

Scott Williams asked Mr. Brooks if he prepared the drawings?

Mr. Brooks stated, he did, and he went to the site to survey the property. He obtained information from Google maps, county maps and FEMA brining those into by digital format. Overlayed everything as it did align. He contacted Danny Vassallo, Surveyor, who had done a survey in the past for Mr. Mauck, that he had a surveyed on the original garage.

Mr. Brooks reviewed the plains S-1, pointing out the floodway line and the flood fringe lines.

Some of the original building was in the flood fringe some in the floodway. He over laid where the old building overlaid the new building that it was as it extended out. The ordinance limits a maximum of 600 square feet of additional area in the floodway. The portion of the building that is stated the building in its entirety is 1398 square feet, much of that building is in flood fringe that does not apply. There is no revelence to this because there is no restriction on that. The findings are that the gross area of the entire new garage building is 1352 square feet that is the size of the new building. The gross area of the entire old garage building based on the original survey by Danny Vassallo, was 512 square feet. The portion of the new garage building located outside the floodway in the flood fringe is 418 square feet. The portion of the garage building located within the floodway is 934 square feet. The portion of the new garage building located within the floodway outside of the old garage building only 698 square feet. If we are allowed to go with a 600 square feet addition expansion within the floodway, that is only 98 square feet, this is what we are talking about. The building width would be 3.4 inches larger in length then what it would permitted. If it were 3.4 inches shorter, we would not need to do this. It’s not a 1350 square feet building in the floodway. The 600 square feet is not a requirement in the FEMA regulations. They are putting flood vents in the garage, to comply with FEMA, you only count the perimeter foundation of the building. When you have a vented garage, the new garage that is being proposed, you have a displacement of 177 cubic feet. There is a reduction of 80% of the displacement in the floodway itself. Its going to lower the flood level rather than increase it. The only concerns DEP and Army Core care about are not increase the 100 year flood level, that it’s not going to direct it into an adjacent building and they are not reducing the cross sections of the stream. The barn building is closer to the stream than what this new garage will be. They demonstrated to DEP that this would not be a detriment to the area there is not requirement for 600 square feet or any area requirement as it related to FEMA.

Scott Williams asked Mr. Brooks if the board were to grant the appeal to the variance, would Mr. Mauck still have to secure a permit for this structure to exist.

Mr. Brooks said, that is correct. What happens is the variance or the zoning officer or township supervisor gives an approval conditioned upon obtaining a Small Joint Projects Permit from DEP. If you cannot do that then you cannot have it. If they get that then that should meet all the requirements for the municipality.

Scott Williams stated Mr. Hubbard presented a couple of letters from the Director of Lycoming County Planning Commission stating a concern for FEMA regulations and loss of insurance. If the board would grant the appeal for the variance conditioned upon getting the approval of DEP would that help the situation?

Mr. Brooks’s response, yes. As long as DEP and Army Core give their approval then they consider the FEMA regs as long as we can get the approval, FEMA will not have an issue.

Scott Williams addressed the threat to public safety of the structure. The structure that has been constructed by Mr. Mauck with the flood vents, actually decreases the flood elevation over what was there before.

Mr. Brooks responded, correct, if the flood vents are going to be put in, this will allow the water to equalize inside, and you do not want to have water that is higher on one side then the other that creates undue stress on the building and collapse the building. They have adopted a requirement to put flood vents in. Flood venting in 1 square inch of net opening per square foot, using a standard typical vent. If a FEMA certified vent it is each 8 x 16 vent is good for 200 square feet. S-4 shows FEMA certified flood vent called a Smart Vent, thru the masonry walls to allow rising floodwaters to equalize on each side of the masonry foundation wall. Flood vents should be installed so to allow automatic operation during rising and reseeding flood waters bottom of the vents to be no greater than 12 inches above the surrounding grade. Each flood vent to have a flood venting capability of 200 square feet of floor area, there are seven vents in it, which would total to 1354 square feet. That is whether it is in flood fringe or flood way it is the same requirement. With expansion of the building there are no safety issue with what Mr. Mauck is proposing to do with the vents it will equalize the volume will be less of an impact in the flood way then it is currently it will reduce the 100 year flood elevation, there is an 80% reduction. S-4 of the drawing shows the 100-year flood elevation is only 21 ½ inches above the floor level of the garage, there is a requirement for another foot and a half of free board. Add those up it is around 39 inches to the top as far as design.

David Hines asked Mr. Brooks if he thought about dry proofing the building since it is a non-residential building.

Mr. Brooks stated, dry flood proofing is where you make a reverse pull, trying to keep all the water out. The problem is when you do that you have to take the entire volume of the complete building, he did not have that volume out of the old garage.

David Hines stated there is Wet flood proofing and dry flood proofing. You can wet flood proof up to 600 square feet, tying it down, openings or flood vents. If you want to go over the 600 square feet you have to look at the non-residential structure requirements in flood proof that where elevated you cannot elevate it is already there.

Mr. Brooks stated, they did a wet flood proofing, David Hines stated you can’t do a wet flood proof over 600 square feet it would have to be dry proofed.

Mr. Brooks stated that is not a requirement by FEMA.

David Hines stated, It is a requirement by FEMA, he stated he is Certified Floodplain Manager, he has been doing this for 20 years, and he just helped rewrite an ordinance. To go over the 600 square feet you will have to dry flood proof that is in the FEMA regulations.

Mr. Brooks stated, he received the permit a couple months ago which they did exactly that from FEMA it was a full house 12 to 1300 square feet no requirement for dry proofing.

David Hines stated, that is residential this is non-residential.

Mr. Brooks stated, it is a residential accessory structure.

David Hines stated, it is a non-residential structure.

David Hines asked if Mr. Brooks had a no rise certificate.

Mr. Brooks stated, has not prepared one it is on the drawing. David Hines stated anything in the floodway is going to re quire a no rise certificate. Mr. Brooks stated he would file for that.

David Hines stated, they could do the opening in the flood fringe part of the building, then do the flood proofing for the additional building in the floodway. He suggested dry flood proofing the whole thing then this all goes away.

Mr. Brooks submitted drawings and written a letter to Central Keystone COG they received a letter back from Rodney Nights. The letter stating ‘*the permit drawing you submitted for the detached garage under construction in Piatt Township, 158 Larryville Road, Jersey Shore, PA will be adequate to obtain a building permit. This garage is being constructed partially in a flood are that meets all the requirements for flood resistance construction in the 2015 international residential code currently being enforced in PA. Be advised we here at Central Keystone COG will be unable to issue the building permit until you have obtained a zoning permit from the township/county.*” This letter was dated Thursday December 3, 2020 at 2:45pm.

Chris Logue asked Mr. Brooks if he submitted a Small Project Joint Permit and/or DEP permit and stated that you are required to have a consistency letter that states that the project is consistent with municipal flood regulation.

Mr. Brooks stated, yes, he received a response back from the man at DEP, he does need a consistency letter. Mr. Brooks stated he had submitted a follow up to David Hubbard, David Hubbard opted not to respond, not to give a consistency letter until the board has decided yes or no. A consistency letter will have to be obtained

Mr. Brooks stated, they are in a catch 22 to get but if they put in there it was contingent upon conditions that they would approve it upon conditions of the DEP Army Core Joint permit that would be acceptable. The variance request is for 98 square feet as it related to in the floodway part of it. Confusion came as they were looking at it all, when you take out and consider just what is in the flood way that is the amount of what would be needed.

Chris Logue asked, is there was any way to reduce the building square footage bye 98 square feet?

Mr. Brooks stated, it can be done it would be an expense a burden to the owner that’s what he would of directed the owner to do if it not have been for the barn.

Mr. Wiley asked what the status is to the permit for review.

Mr. Brooks stated the Small Projects Permit application was submitted November 30, 2020. The permit is pending due to the consistency letter.

Mr. Wiley asked, to complete the permit letter what items are missing from the consistency letter.

Mr. Brooks stated, the consistency letter is the primary, they wanted the no rise certificate. Pre and post cross section view of the stream and contours. It would be May or June to be able to do anything.

Mr. Wiley asked Mr. Brooks what would have to be done for the project to be done properly.

Mr. Brooks stated, as far as the FEMA regs the primary thing that needs to be done is the addition of the flood vents, the steel doors. There were some deficiencies.

Mr. Wiley asked, if the list of things to be done properly was it is included in the pack.

Mr. Brooks stated, it was not in the documents. There was a letter to David on December 15 that summarized, which listed the seven items.

David Hubbard stated, 600 square feet is in the special flood hazard area that we use to determined flood area in Lycoming County. FEMA recognizes an NFIP community for development should not and cannot effect the community because anything that is done without being done according to flood plain regulations effects everybody in the entire community. Whether be 100, 500 floodway does not make a difference in the flood plain. If it is on the FEMA flood map that is consider special flood area. Our ordinance reads the ground floor area shall not exceed 600 square feet.

Final arguments were heard.

OFF RECORD

ON RECORD

Fred Holland spoke on behalf of the board, the board decided not try to deliberate tonight, but to reconvene in an executive session within the next few weeks, deliberate at that time to have a decision at the next regular Zoning Hearing Board meeting in February.

1. **ZHB Case 2020-011**

**Steven & Lori Macnamara**

**McHenry Township**

**Variance – Lot Area**

**Seated Members:** Bill Klein, David Hines, Chris Logue, Leslie Whitehill, Rom Andraka

David Hubbard presented to the Zoning Hearing Board case number 2020-011, located in McHenry Township. The location as 81 Railroad Street, Jersey Shore. The applicant is requesting relief of 0.65 acres to subdivide tax parcel #28-001-603 containing 1.86 acres. This subdivision will create a 0.35 non-conforming lot with 1.52 acres (the residual) being added to parcel #28-001-603.A. This will require relief for the new parcel, according to Table 4140A Conventional Single Family Build-Standards, Minimum Lot Area, 1-acre requirement. Parcel #28-001-306.A is currently a non-conforming, contiguous lot consisting of 0.35 acres, also owned by the MacNamara’s.

The subject property tax parcel 28-001-603 is approximately 1.86 acres and is located in the Neighborhood Protection (NP) Zoning District in McHenry Township. The property currently contains a Single Family Dwelling, a detached garage, shed, well and septic sewage system.

General Standards for Variance are specified in Section 10420 of the Lycoming County Zoning Ordinance. Procedures for Variances and appeals are listed in section 10430.

David Hubbard reviewed the following communications:

1. Variance Application 11/9/2020.
2. Notices sent to interested parties: Lycoming County Planning Commission, Lycoming County Commissioners, McHenry Township Supervisors, Applicant and the Zoning Hearing Board.
3. Legal notices published in the Williamsport Sun-Gazette on 12/1/2020, 12/8/2020 and 1/12/2021, 1/18/2021.
4. The property was posted on 12/3/2020 and 1/15/2021.

 The Zoning Hearing Board packet containing the Zoning permit application, Variance

 request application, Copy of LCPC comments from Shannon Rossman, Overhead GIS sight plan

 view, Sketch plan.

 The following are exhibits presented by David Hubbard:

Z#1 - ZHB letter Steven & Lorie MacNamara

Z#2 – ZHB packet

Z#3 - Copy of Legal notice Sun-Gazette

Z#4 – Copy of posting of property

Z#5 – Director Shannon Rossman’s Letter

David Hines asked David Hubbard when Lycoming County took over McHenry Township.

David Hubbard responded, 99 or 95, possibly.

Steven MacNamara gave history of the property. It was owned by his father-in-law, both lots, he moved to New York. His wife grew up there, going there in the summer time, which they would like to continue. The second lot became available they bought it. They have two sons, with hopes for each to get a building site. They are trying to eliminate some of the non-conforming problems, the smaller is non-conforming while the larger lot is conforming. They would like to have each son have an equal part, without having a flood plain problem.

Mrs. MacNamara stated the non-conforming lot has a home on it to use all year. To have the other lot so the other son could build a home that he could use all year long.

Fred Holland spoke on behalf of the board, the variance will be granted and will be granted without any conditions.

 David Hines made a motion to approve, Bill Klein second motion. Motion carried.

1. ADJOURNMENT

Meeting adjourned at 9:25pm.

Respectfully submitted,

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Heather George, Recording Secretary Bill Klein, Chairman

DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_