

**Bolton Zoning Board of Appeals**  
**Regular Meeting Minutes**  
**July 11, 2023 7:00 p.m.**  
**Bolton Town Hall, 222 Bolton Center Road**  
**Hybrid Meeting-In person and virtual via Zoom**

**Members Present:** Anne Decker, Joshua Machnik (attending virtually via Zoom) and Alternates Bill Anderson (seated for Morris Silverstein), and Mary Terhune (seated for Jonathan Treat)

**Regular Meeting**

**1. Call to Order:** Chairman Anne Decker called the meeting to order at 7:09 p.m.

**2. Public Comment:** No public comment

**Public Hearing**

**3. #ZBA-23-2 – James Grady – 35 Lakeside Circle – rear and side yard variance request to construct a deck**

B. Anderson made a motion to open the public hearing. M. Terhune seconded. The motion passed unanimously 4:0:0.

James Grady of Grady Construction spoke on behalf of the home owners. He stated that the existing structure is not safe. The rear stairs are 30 inches above grade with no handrails and there are no existing stairs from a side door. The neighboring houses have decks off the rear of their homes and many of them are closer to the water line. The landing coming out of the side door would be 42-48 inches. The deck would be 10 feet out the back.

Kevin and Maureen Shortoff spoke on their own behalf. The dwelling that preceded the existing house had a deck that extended out past the current house. They presented a pictures from 2013 (pages 1 and 2), before the house was demolished and pictures of the current home that was built in 2016 (pages 3 and 4). The foundation was reused when the home was rebuilt. The current house is 19.4 feet from the water.

M. Terhune asked if there was there a deck in the plans when the house was rebuilt in 2016. The current owners were unsure.

B. Anderson mentioned the side door on the western tip of the house that is 30 inches off of the ground. He questioned why a CO was issued without a landing and stairs on that side and on the back of the house facing the lake. The existing structure has been there for over 3 years and he is disappointed that the town didn't say anything about that. There should have been a variance requested. Even if there were temporary stairs coming off the side there should have been a building permit. The zoning regulations were applied to the lot after the house was built. That's when the side and rear yard setback limits were set. He questioned how you can have a 30 foot rear setback when the houses are 10 feet from the lake. The rear setbacks don't make a lot of

sense when the back yard is a lake. He feels that the applicants have a definite issue with the lack safe access at the side and back door.

A. Decker confirmed that the deck is meant to wrap around to include the side and back door. She agrees with B. Anderson in that the proper procedures should have been followed when the house was built. It looks like the prior covered structure was substantial and was beyond the setback requirements. And relative to the lake, the back yard is trapezoidal.

B. Anderson noted that the ZBA tries to be consistent within neighborhoods. Two houses down to the right towards the lake there is a carport that is right on the property line. He is comfortable with granting the variance. He would have been more comfortable if the deck had been noted in the plans when the house was rebuilt.

M. Terhune confirmed with the Shortoff's that when they bought the house, there was only a step out the back and none out the side door

B. Anderson asked where the stairs will go down. Mr. Grady stated that they would be in line with the slider and there will be three steps of about a foot each.

The homeowners presented a letter from the neighbor closest to the side door stating that they had no objections to the proposed project.

B. Anderson made a motion to close the public hearing. J. Machnik seconded. The motion passed unanimously 4:0:0

There was no additional discussion from the Board.

J. Machnik made a motion to grant the variance as requested due to the hardship of a preexisting condition, safety issues and the geometric nature of the property. M. Terhune seconded. The motion passed unanimously 4:0:0.

### **Other Business**

#### **4. Approval of Minutes:**

##### **June 13, 2023**

J. Machnik made a motion to accept the minutes as presented. M. Terhune seconded. The motion passed unanimously 4:0:0.

#### **5. Correspondence: None**

#### **6. Other: None**

#### **7. Adjournment**

B. Anderson made a motion to adjourn at 7:37 p.m. J. Machnik seconded. The motion passed unanimously 4:0:0.

Respectfully submitted,

*Leslie J. Brand*

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Please see minutes of subsequent meetings for corrections to these minutes and any corrections hereto.