

**Town of Cumberland
Board of Adjustment and Appeals
Minutes of Meeting
Thursday, April 14, 2011**

I. Call to Order:

The meeting was called to order at 7:15 p.m.

II. Roll Call:

Present: Mike Martin, Acting Chair, Ron Copp, David Joyce, Christian Lewis

Absent: R. Scott Wyman, Chair, Adrian Kendall, Vice-Chair, Matt Manahan, Andrew Black

Staff: Bill Longley, Code Enforcement Officer, Pam Bosarge, Board Clerk

Mr. Joyce moved to nominate Mr. Martin as acting chair for the purpose of tonight's meeting.

Mr. Copp seconded.

VOTE: Unanimous

Mr. Martin welcomed the applicants and gave an overview of the rules of procedure for the meeting. Mr. Martin stated there would be an opportunity for public testimony. Mr. Martin stated that there was a quorum of four members for the meeting and a vote of in favor of all members would be required for a decision.

III. Hearings and Presentations:

1. Special Exception: Irina A. Gerasenko and Konstantine G. Gerasenko request a special exception for an accessory apartment at 19 Neba Way, Tax Assessor Map U21, Lot 17A; in the Village Office Commercial I (VOCI) district.

Mr. Longley presented background information as follows:

- The ranch house was built in 2005 and has a living area of 1728 square feet.
- In 2006 the basement was partially finished and added approximately 771 square feet of living area.
- In 2007 the balance of the basement was finished approximately 957 square feet of area for the new apartment.
- $1728 + 771 = 2499 \times .40 = 999.6$ or the maximum size allowed per section 407.1

The proposed area of 957 square feet is less than the 999.6 and conforms based on the plans as submitted. The original septic was designed for a 3-bedroom house and a 1-bedroom apartment. The proposed use meets the square footage requirements as stated in Section 407.1 of the Ordinance.

Mr. Konstatine Gerasenko owner of 19 Neba Way stated they built the house six years ago with the intent of adding an apartment in the basement.

Mr. Longley stated the Gerasenko's have been issued two building permits to finish portions of the basement. The area of the apartment has not been used pending Board approval.

Mr. Joyce asked if the basement was complete.

Mr. Martin asked if the area outlined in gray was the apartment.

Mr. Martin asked if the proposed area was less than 999 square feet.

Mrs. Irina Gerasenko stated yes.

The public portion of the meeting was opened. There was no one present in the audience; there was no verbal or written testimony. The public portion of the meeting was closed.

The Board reviewed the special exception standards in Section 603.2.3 and 603.2.7.

Mr. Joyce moved to grant the special exception request of Irina A. Gerasenko and Konstantine G. Gerasenko for an accessory apartment at 19 Neba Way, Tax Assessor Map U21, Lot 17A; in the Village Office Commercial I (VOCI) district.

Mr. Lewis seconded.

VOTE: Unanimous

IV. Administrative Matters:

1. Minutes of December 9, 2010

The minutes of December 9, 2010 were deferred to the next meeting.

V. Adjournment:

Mr. Lewis moved to adjourn at 7:30 p.m.

Mr. Copp seconded.

VOTE: Unanimous

The meeting was adjourned at 7:30 p.m.

A TRUE COPY ATTEST:

Michael Martin, Acting Chair

Pam Bosarge, Clerk to the Board