

**Board of Appeals Hearing**  
**March 5, 2020**  
**6:00 PM**

The meeting was called to order by Chairman, Richard Mahan, seconded by Ursula Boudart at 6:00 PM. The board members Richard Mahan, Ursula Boudart and David Jarinko were all in attendance. Attorney for the Board, Mr. David Beste, was also in attendance.

**Case 1 Eagle Point Club LLC – Variance from the following two subsections of Section 175**

**175-26 Off Street Parking – Minimum of 1 parking space for each 100 square feet of gross floor space**

**175-26 Parking area on nearby premises – The parking lot shall not be further than 100 feet in the case of commercial use to the nearest point on the property.**

No members recused themselves from the case.

All those signed to speak were sworn in.

Robert Jones, Esq. appeared on behalf of the applicant, Eagle Point Club, LLC. This request was for a variance from the distance requirement of 100 feet to 800 feet. The SDAT record shows that the building is approximately 4000 square feet. The town had determined that the property has 6 spots and they are asking for a variance for 34 spots. The attorney for the requestor stated that the town has 5 locations which do not have adequate parking and still operate. He presented pictures that showed those locations often use the Wellwood Club for parking. Mr. Metz was asked if he allowed non patrons to park at the club? Mr. Metz stated that he worked with the town and provided parking for non-patrons. He was asked if the club had enough capacity for larger than 34 spots. He stated that as they know the number of attendees for events he makes allowances to provide parking. The use of the house is limited to brides and bridesmaids to get ready. Mr. Metz stated that all he is asking for is a place for a ceremony and not an entire wedding event. He is not looking to start a nightclub and he is offended by the personal attacks towards him and Angela Heckman over this matter. Mr. Jarinko asked if in order to keep people from parking on the street would they have attendants? Mr. Metz has two attendants who make sure that there is no parking on the street. Other people do use the street if they use the point, and the Wellwood is blamed when they are not hosting the wedding. He gives specific directions to the parking lot at the Wellwood and not 125 Conestoga. Counsel for the applicant argued that the applicant's request satisfies the requirements expressed within the Zoning Ordinance 175-40, and directed the Board of Appeals to the contents of the application. Comments from the public: David Ashworth: still contends that the Eagle Point LLC is not a private club. This is a residential home which the owner wants to turn it into a business. He stated that the very clear language of the code that this was against the public interest. He submits that if the variance is granted, the question would still be of whether the home is a private club. Mr. Mahan stated that the Eagle Point Club is registered with the state and that the Town does not have any jurisdiction over whether it is or is not a private club. Mr. Ashworth stated that the former finding did not decide if it was a private club. Mr. Mahan stated that jitneys would continue regardless of whether the weddings were at the residence or at the point. Ms. Boudart asked when does the R3 stop? If private clubs are permitted, then they are permitted. Mr. Beste asked Mr. Jones how the Eagle Point defines itself as a club? They have the ability to serve food, but have chosen not to do that and provide only the wedding ceremony. There were 11 wedding ceremonies there last year. Mr. Metz was asked if he would risk his liquor license to serve alcohol at the club, his answer was no. Mr. Greg Godon read a letter from Mr. Sam Speakman which was in opposition in the use of 125 Conestoga Street as a wedding venue. This letter was from the Kelly, Speakman and Godon families. Mr. Godon was asked if his

they felt this configuration would be considered part of the home. With that then the applicant is seeking a variance on the rear setback to 16' feet from the 30' requirement. Ms. Rowe came forward in opposition of the request. Ms. Rowe was asked where her property was in relation to the property in question. Ms. Petersen was also in opposition of the request. They both were asked to point out their properties on a tax map. The Town Administrator was asked if he had any comment. His one comment was that he was just finding out that the structure was to be an enclosed screened deck with a gabled roof.

Mr. Mahan moved to go to closed session, seconded by Ms. Boudart.

Mr. Mahan moved to come back into session, seconded by Ms. Boudart. The board is denying the request.

Mr. Mahan moved to adjourn the meeting at 7:30 PM, seconded by Ms. Boudart.

Respectfully submitted,

Debbie Myers,

Town Clerk

Approved 3-9-2020