

ZONING BOARD OF ADJUSTMENT

MINUTES

February 4, 2020

APPROVED April 7, 2020

AGENDA: 20VAR01: VARIANCE: Alan DeStefano obo Tseranos Home Builders, #116-023
20VAR03: VARIANCE: Hiltz Excavating, #216-020
DISCUSS DRAFT APPLICANT INSTRUCTIONS, FORMS, ETC.

ATTENDING: Alan DeStefano, Richard Laflamme, Melody Mansur, Larry Denton, Lorraine Bohmiller

ABSENT: Jackie Elliott

OTHER: Christina Goodwin

The meeting opened at 6:00 p.m. with a quorum.

MINUTES OF NOVEMBER 19, 2019: The minutes of November 19, 2019 were reviewed and amended. Mr. Denton motioned to approve the minutes as amended, Ms. Mansur 2nd, the motion carried.

20VAR02, VARIANCE: Hiltz Excavating, MAP/LOT #216-020

William Hess appeared before the Board to represent Hiltz Excavating, explaining that the applicant is asking for the Variance due to an increase in height over the 20 feet maximum allowed for an accessory structure. Hiltz is asking for 28 ft 9 in. Mr. Denton inquired on why this height. Mr. Hess reported that it needed to have a 6 to 1 pitch with a 14 ft door to allow for trucks to access.

Mr. Hess shared pictures of the back property, the neighboring lots and the current lot, showing how the structures compare. Mr. DeStefano asked about the elevation of the back building versus the front and Mr. Hess reported that it will be approximately 8 ½ ft taller than the front building. Mr. Hess then presented the application facts: the building will be tucked into the back of the lot, the height is like the other accessory buildings in the area, and the building's intended use requires this height for the doorway access.

Mr. Denton motioned to accept the application as complete, Ms. Bohmiller 2nd, the motion carried. The Board then opened the hearing to the public. With no one else speaking, the Board closed the public hearing. Mr. Denton motioned to consider the application in one vote, Richard 2nd, the motion carried.

Mr. DeStefano inquired on the use of the building. Mr. Hess reported strictly storage for files they are required to keep. Mr. DeStefano inquired how the neighbor's properties create a hardship. Mr. Hess pointed out that this is not listed in the correct place on the application answers. Mr. Denton felt that in the case of this business, they would like to build the building to allow for use and they have adjusted the plan but because of the snow the pitch it doesn't allow for the shorter building. He also feels that the 20-foot height does create a hardship for the nature of the business and how they intend to use the building. Both Ms. Mansur and Ms. Bohmiller agree. Mr. DeStefano pointed out that the building would be seen from the road.

Mr. Denton motioned to approve the Variance, Ms. Bohmiller 2nd, the motion carried. Mr. DeStefano reminded the applicant of the 30-day appeal process.

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Mr. DeStefano, the Chairman, stepped down from the Board, as he was presenting the next case. Mr. Laflamme, Vice-Chair, became acting Chair for the Tseranos Home Builders Variance. Mr. Laflamme offered for the case to continue as this left three (3) members to hear the case, but the applicant chose to move forward.

20VAR01, Variance: Tseranos Home Builders, MAP/LOT #116-023

Mr. DeStefano stepped away from the Board to represent the Tseranos Home Builders who are applying for a Variance to build a garage on the lot that doesn't meet the setback requirements. Mr. Denton inquired on the updated map provided – the set back is right up against the house and he also inquired on the ravine and whether or not the garage could fit next to the house on the other side. Mr. DeStefano reported that the applicant would need to dig down quite a few feet to get to virgin soil and the garage would be abutting up to the ravine. Mr. DeStefano stated that the owner had no intent originally to build a garage, however the buyers have requested to build a 2-car garage. Mr. DeStefano also reported that the sale is not contingent on the garage.

Mr. Denton motioned to accept the application as complete, Ms. Mansur 2nd, the motion carried. Mr. Denton inquired on the size of the garage. Mr. DeStefano reported that there is the potential need to put a handicap ramp on the inside of the garage to allow for elder members of family to access the building. This access goes in through the kitchen. He reported that a question arose about building the garage on the back side of the house, however, this also did not work as there is an elevation issue. Mr. Denton reviewed the measurements of the handicap ramp and vehicles.

Mr. Denton inquired about the possibility of having a one-car garage. Mr. DeStefano reported that the 2-car garage will be like a handicap parking space for future use. Mr. DeStefano reviewed the application – the garage will be located completely on the applicant's property, the majority of the garage will meet setback requirements with the exception of the front corner, the garage will stabilize and enhance the value of the property and the surrounding properties, the 2-bay garage helps accommodate the aging parents needs, and the terrain of the rest of the property doesn't lend for the garage to be located elsewhere.

Ms. Bohmiller inquired on the number of levels for the garage. Mr. DeStefano advised that it is one level. The Board reviewed the recommendation from the Planner to consider a smaller garage. The house was built on the open market, not for the current buyer. The owners didn't want to go 24 x 24 and encroach further.

The Board opened the hearing to the public.

Ms. Cindy Rogers is one of the proposed buyers of the property and is purchasing the property for her elderly parents. The property is intended for proximity of the family. Ms. Rogers reports that there are not a lot of properties available for their family members. If the family was able to spec out the building, then there could have been adjustments. The intent is to purchase the home and allow the parents to age. The ramp rise to run meets the proposed space in the garage.

Mr. Johndro, an abutter, inquired on the revised map. There is feature that abuts their property and the property line runs through the gully / ditch to evacuate water. He has a concern that their property holds water already, which they are addressing in the spring, but they want to make sure that the building doesn't impact their property with additional water. Mr. DeStefano pointed out a natural swale that exists between the two properties and reported that the construction does not affect this area. Mr. Denton

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inquired if it will be disturbed at all during the construction process and Mr. DeStefano believes this area will remain undisturbed. Ms. Johndro is concerned with their property slanting toward the swale and is concerned that the swale will be filled in. Mr. DeStefano will talk to the owner to make sure that it is not.

Mr. Glidden, abutter across the street, states that he is opposed to the garage and feels the owner filled in a low-lying wetland. He feels that the owner only could build in this location because of the ravine. He feels it is very close to the road visually. He is also concerned that an additional garage will increase the density on the properties on this road and that it will deter from their home values. He feels that violating the setback by five (5) feet is a 33% violation. He feels there are other options that could be looked at, they could build a smaller garage, or there could be internal changes to the building, including an elevator etc. Mr. Johndro added that there are other colonials on the streets without garages.

Mr. DeStefano reported that there was no intent to not build on this lot and with a subdivision, builders often add to the lots to level the space with the intent of building. There will still be a house on the lot, and this will not eliminate the view by adding a garage on the lot. He also pointed out that there are other lots with garages in the area. Mr. Glidden reports that the other garages meet zoning requirements.

Mr. Denton stated that under the circumstances this is a reasonable request for the location. He also comments that it is five (5) feet on the corner that is into the setbacks. Ms. Mansur feels that it is a very small corner and the house is like other homes in the area. Ms. Bohmiller pointed out that one of the neighbors has a two-car garage. The Board closed the public hearing and reviewed each criteria for the Variance application.

1. Public Interest – Mr. Denton motioned to approve #1, Ms. Bohmiller 2nd, the motion carried.
2. Spirit – Ms. Bohmiller motioned to approve #2, Ms. Mansur 2nd, the motion carried.
3. Substantial Justice - Mr. Denton believes that this is a reasonable request. Mr. Denton motioned to approve #3, Ms. Bohmiller 2nd, the motion carried.
4. Values not diminished – Ms. Mansur doesn't believe that this would diminish the values. Ms. Mansur motioned to approve #4, Ms. Bohmiller 2nd, the motion carried, with 3 in favor, 1 not in favor.
5. A. I. and II. – Unnecessary Hardship – Mr. Denton motioned to approve #5, part A both I and II, Ms. Bohmiller 2nd, the motion carried.
 - B. Unnecessary Hardship – Mr. Denton feels that part of the hardship is that a garage would be installed. The building was not built with the intent of a garage. The proposed owners would like to add a garage with a ramp to allow for aging years and this would justify a hardship. Mr. Denton motioned to approve #5, part B, Ms. Bohmiller 2nd, the motion carried.

Ms. Bohmiller requested the Zoning Board add a condition that the swale is not affected during construction and that it remains in place after construction. Ms. Mansur motioned to approve the application for a Variance with the condition that the swale not be impacted during construction and that it remains in place after construction, Ms. Bohmiller 2nd, the motion carried.

The applicant was reminded of the 30-day appeal period and that a Land Use Permit would be required to build.

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COMMUNICATIONS:

The Board was given a Save the Date invitation from Lakes Region Community Developers to attend a Lakes Region Housing & Economy Snapshot meeting on Thursday, April 16, 2020. The Snapshot meeting is to convene local leaders to explore solutions to our region's housing crisis.

UNFINISHED BUSINESS:

No unfinished business.

NEW BUSINESS:

Mr. DeStefano reported that there are legislative bills in the House that require Boards to have education, including training and to pass a test. It is believed that these bills will be reverted to a study committee and not pass.

The Board reviewed the recommendations submitted for instructions for Variance, Special Exception, Motion for Rehearing and Administrative Appeal. The Board would like to see more in-depth instructions and would like to see the instructions spelled out and if possible, add a sample with guidance for the Variance process. Ms. Goodwin will talk to legal to make sure this is allowed. The Land Use Office will work on the instructions and forms and review with the Board at their next scheduled meeting.

NEXT MEETING: The next meeting is scheduled for Tuesday, March 3, 2020, at 6:00pm and applicants have until February 14, 2020 to apply. Currently there are no applications. The Board will not have a quorum at the next meeting. If there is a case, then the Board may have to meet another day or advise the applicant of the delay until April. If there are no cases, then the meeting will be cancelled.

With no other business before the Zoning Board, Mr. Denton made a motion, Ms. Bohmiller 2nd, to adjourn at 8:10 pm, the motion carried.

Respectfully submitted,
Christina Goodwin
Land Use Manager