

ZONING BOARD OF ADJUSTMENT
December 3, 2013

APPROVED:

3/4/14__jrl_____

AGENDA: 13VAR04 CONTINUED VARIANCE: GERALD WRIGHT, 16 Mt. Celo Road, #108-010

ATTENDING: Alan DeStefano (Chairman), Richard LaFlamme (Vice Chairman), Larry Denton, Ashley Dolloff

ABSENT: Lorraine Bohmiller (conflict)

OTHER: Gerald Wright, Michael Lacasse

The meeting opened at 6:05 pm. Mr. DeStefano stated that this is a 4-person board this evening and asked if the applicant wished to continue tonight and Mr. Wright answered that he was okay with continuing tonight.

MINUTES OF NOVEMBER 5, 2013:

R. LaFlamme made a motion, second by L. Denton, to approve the minutes as read. The motion carried.

CONTINUED VARIANCE: GERALD WRIGHT

The Board looked over the new submissions. Mr. LaFlamme explained to the Chairman that at the previous hearing, the Board felt that the plan was missing details: dimensions and setbacks.

L. Denton made a MOTION, second by R. LaFlamme, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED.

Mr. Wright then went over the 5 points needed for a Variance:

1. Public Interest – there would be no hardship to any other person or property.
2. Spirit of the Ordinance – No-one is across the street that would have an impact of this ordinance.
3. Justice – It will give a nice appearance and entrance. Neighbors all have decks.
4. Values of Surrounding Properties – It would increase property values and appearance.
5. Hardship – Neighbors have decks as entrances to their doors, there is no other door available.

CONT. VARIANCE FOR GERALD WRIGHT continued:

Mr. DeStefano asked what they had for the entrance before and Mr. Wright answered that there were temporary steps. Mr. DeStefano then asked why, when Mr. Wright went for a permit, he was not told that he would need a Variance. Mr. Wright stated that he was ignorant about needing a permit. He was stopped when he started the deck.

A discussion was held as to the location of the only door and it was determined that it is partially in the town setback. Mr. DeStefano mentioned that the deck as presented is further into the town setback than the door. Mr. Lacasse stated that the deck esthetically would look better that way.

Mr. DeStefano asked for public comment for or against and there was none.

Mr. Lacasse explained that the pad underneath an upper deck and the deck are included in the calculations of lot coverage by structure. Mr. DeStefano read the Zoning Ordinance definition for lot coverage and it was felt that the deck should be excluded. The Board refigured the coverage and determined that Mr. Wright was within the allowed percentage.

Mr. DeStefano cautioned the Board that we do not want to set a precedence with this case. He suggested that the deck could be placed within the area outside of the setback with a 4' walkway leading to the door. This would be less invasive. More discussion followed.

Mr. Denton stated that there is a definite hardship due to the location of the door. The question is if we should ask for a plan with the 4' x 4' walk. Mr. DeStefano thought that the Board might compromise by bringing the deck in a straight line from the street-side of the door. Mr. Wright asked if he might do this to the footing that is about 8' in from the end that is there now. He pointed this footing out on the photo and, if he used this, he would not have to pour all new footings. The Board thought that this would be less invasive than the original plan. They felt that they could approve a conditional variance pending a new plan showing this change using that footing.

L. Denton made a MOTION, second by R. LaFlamme, to APPROVE THE VARIANCE FOR GERALD WRIGHT WITH THE CONDITION THAT THE DECK BE CUT BACK TO THE NEXT FOOTING BACK FROM THE ROAD AND A NEW PLAN SHOWING THIS WITH THE NEW DIMENSIONS. The motion CARRIED UNANIMOUSLY. Mr. DeStefano signed the Notice of Decision.

With no other business before the Board, R. LaFlamme made a motion, second by L. Denton, to adjourn at 7:12 p.m.

Respectfully submitted, Jan Laferriere, recording secretary