

**Zoning Board of Adjustment  
June 8, 2009**

**Members Present: Katheryn Holmes, Chair; Helen Wright, Vice-Chair; Alex Azodi, Alternate; Barbara Richmond; Steve Russell, Sue Russell, Alternate**

Ms. Holmes called the meeting to order at 7:15 p.m. The minutes of May 11, 2009 and May 20, 2009 will be reviewed at the July 13, 2009 meeting.

Ms. Holmes informed the Board that she met with the Land Use Coordinator and worked on drafting updated guidelines for applicants to use when applying to the Zoning Board of Adjustment. The Board began reviewing the guidelines.

NOTICE

Ms. Holmes appointed Mr. Azodi as a voting member for this evening's meeting and explained the meeting protocol to Mr. & Mrs. Laro.

Mr. Laro presented their plan to construct a LaValley's built 24 ft. x 26 ft. x 26.1' ft. high 2-car garage. He explained that there is currently an existing garage attached to his house, but it is inadequate and cannot hold two vehicles. He stated that he currently uses the existing garage for one vehicle and tractor storage. He explained that he would like to build the new garage on the right hand side of the driveway since that is the most convenient place to site the garage and it will blend in with the character of the lot.

Ms. Wright asked Mr. Laro if he was the homeowner who built the existing house.

Mr. Laro explained that the house was built by the previous owner and that he purchased the home in the fall of 2008 all built.

Ms. Holmes asked Mr. Laro if there would be an upstairs in the proposed garage.

Mr. Laro stated that there would be an upstairs in the garage to be used for storage, only.

Ms. Holmes explained that the building inspector had explained to her that when this subdivision began, the pins for lot boundaries were put in the wrong place. Therefore the configurations as the lots are mapped are not correct. The proposed garage cannot be placed on either side of the house due to the placement of the well and the septic system.

Mr. Laro explained that the proposed site is one of the only level places on the lot except over the septic system. By placing the garage there, there will be no cause for cut or fill which will mean less impact. The proposed garage it to be built on a cement slab.

Mr. Azodi asked for clarification of the sideline setback.

Mr. Laro explained that the driveway is 33 ft. from the edge of the property line. The garage would take up 24 ft. of that setback, thereby encroaching 6 ft. into the 15 ft. setback from the sideline.

Mr. Laro presented a letter to the Board from the abutter, David Sullivan, sharing the sideline under consideration. In his letter, Mr. Sullivan stated that he has no problem with the proposed location of the garage.

Ms. Holmes commented that she has a concern regarding the building abutting a run-off area that goes down to a culvert, then eventually into Lake Todd. She suggested that when the garage is constructed, there should be some stone around the parameter as permanent erosion control to catch the water coming off the dripline.

Mr. Laro stated that it was his intention to address the run-off, and upgrade the culvert to make it more effective.

Ms. Holmes advised the Board that the building inspector said he will keep an eye on erosion control issues and make sure they are addressed prior to issue any building permits.

Mr. Laro reviewed he request for variance.

16.7.1.

Granting this variance will not be contrary to the public interest because the proposed garage will not interfere with any abutter's view or in any way affect the use of their property. The presence of this garage will not in anyway detract from the appearance of the neighborhood. It is our belief that the garage will not only enhance the owner's property as well as the neighborhood.

16.7.2.

Denial of this variance will result in unnecessary hardship for the owners as evidenced by the following:

- a. placing the garage on any other location on the property would require much site work, incurring significant cost to the owners.
- b. placing the garage on any other location on the lot would greatly alter the appearance and balance of the overall property.
- c. the proposed location for the garage is in close proximity to the existing driveway. Placing the garage on another site would likely require additional paving of the driveway and/or bulldozing of another driveway, incurring significant expense to the owners and have a negative effect of the overall balance and symmetry of the property.

16.7.2.2

Applicant seeking as area (dimensional variance); a 6 ft. variance on 15 ft. setback

16.7.2.2.1

An area variance is needed to enable the applicant's proposed use of property, given the special conditions of the property. There is no other suitable site on

the property for garage due to the location of the house, the existing driveway and the slope of the terrain of the property.

16.7.2.2.2

The benefit sought by the applicant cannot be achieved by some other method reasonable and feasible for the applicant to pursue other than requesting an area variance. As noted above, any other method of siting of the garage would negatively alter the appearance of the property and incur significance expense to the owners.

16.7.3

The variance is consistent with the spirit of the ordinance as the placement of the garage will not interfere with the abutter in any way.

16.7.4

Substantial justice is done because it will enable the applicant to keep his vehicle undercover as well as provide for much needed storage for garden and recreational equipment.

16.7.5

The value of the surrounding properties will not be diminished. The garage will not only enhance the desirability and value the owner's home, but also result in increased values of surrounding homes.

Mr. Russell commented that this proposed garage is a substantial sized structure which would require displacing a lot of vegetation and replacing it with impervious surface. He suggested that replanting of some of the lost vegetation should be considered as a means to address permanent erosion control and aesthetics.

Ms. Wright asked if there is any possibility that the proposed garage could be not be so large so that it would not go into the sideline setback.

Mr. Laro explained that the proposed garage is sited so that the short side runs toward the lot line. It is a standard sized two-car garage and it would not be feasible to build smaller one. He commented that due to the setback from the main road, he would be able to leave at least 20 ft. of trees as a buffer from the garage to the road.

There being no further questions from the Board and no members from the public present for the hearing, the meeting was closed to the public and the Board began deliberations.

Mr. Azodi asked at what point the Board considers a situation a hardship to no have garage space. He questioned the necessity to have so much garage space.

Ms. Holmes commented that the hardship that the Board has to stay focused on is that the applicant could not expand the existing garage due to the layout of the utilities, well and septic, and there is no other place on the lot that would efficiently site this garage with minimal impact. It is not up to the Board to determine if more space is necessary. The Board should be concerned with hardship of the land, not hardship of personal desires.

Mr. Russell commented that the setback would be a bigger concern if the neighbor was opposed. He pointed out that the drainage issues will be addressed, and there will be no earthwork.

Ms. Holmes commented that the reason the building inspector directed Mr. Laro to the Zoning Board is because there was no place else to site the garage, and encroaching on the sideline setback was the least of all evils. She commented that since the upstairs of the proposed garage is going to be for storage only, the Board does not need to address issues with living quarters.

There being no further questions or discussion the Board moved to vote.

Mr. Russell made a motion that the Board vote on the area variance submitted by Mr. and Mrs. Larro as presented this evening with the condition that proper erosion control measures should be used. Ms. Richmond seconded the motion.

VOTE:

Mr. Russell voted to grant the area variance with condition.

Ms. Wright voted to grant the area variance with condition.

Ms. Richmond voted to grant the area variance with condition.

Mr. Azodi voted to grant the area variance with condition. He explained that he believes it was demonstrated based on the discussion that this is a special condition. This is a lot with a unique condition and the building cannot be sited in another place.

Ms. Holmes voted to grant the area variance with condition.

Ms. Holmes notified Mr. and Mrs. Laro that there is a 30-day appeal period.

The Board returned to reviewing the application guidelines and made revisions. Any feedback or additional comments should be emailed to Ms. Holmes.

Mr. Russell made a motion to adjourn. Ms. Richmond seconded the motion. All in favor. Meeting adjourned at 9:40 p.m.

Respectfully submitted,

Linda Plunkett  
Recording Secretary