

Zoning Board of Adjustment meeting minutes for May 8, 2012

Present: Chair John Smith, Louie Major, Mike McGrath and CDC Kathryn Lynch. Excused were Dorianne Almann and Todd Page. Applicants were present; no members of the public were present.

7:00 pm Chair John Smith called the meeting to order and read the Public Hearing Notice for an Area Variance application #0512, of Article VII Section 3, submitted by David and Joan Austin, 58 Emerson Dr., tax map 30 lot 32-4. Applicant seeks an area variance to construct a shed within the setback of his property. Chair John Smith asked the applicant if he wished to proceed with the hearing with only three members of the Board present, applicant responded yes. Chair John Smith read the application and noted that eight abutters were notified by certified mail and none were present. Chair John Smith asked applicants and if they any information that was not included in the application. David Austin explained that his immediate neighbor explained that he had no issue with the sheds placement, and feels it would be esthetically pleasing. Louie Major asked if the cement blocks in the yard represent the placement of the shed, (yes).

Chair John Smith asked for further comments or questions, hearing none the Board worked on the Finding of Facts, listing one. 2. Applicant wishes to build a shed that is within the setback for Rural Agricultural District which will be esthetically pleasing and with no other means to do so due to placement of septic. No abutting opposition.

Louie Major made a motion to adopt the Finding of Facts, seconded by Mike McGrath, unanimous and individual “aye” votes to adopt the Finding of Facts, motion passed.

Board members then worked on the Statement of Reasons and determined:

1. There would not be a diminution in value of surrounding properties as a result of the granting of this variance because: the structure would be pleasing to the eye, conform with buildings in the area in style and not detract from the natural beauty of the area.
2. The granting of this variance would be of benefit to the public interest because: public interest is not impacted by the approval of this variance.
3. Since:
 - a. the following special conditions of the property make an area variance necessary in order to allow the development as designed: the need to have vehicular access to the back (west side) property, and the septic system is located on south side.
 - b. the same benefit cannot be achieved by some other reasonable feasible method that would not impose an undue financial burden because: the septic system and access to backyards movement would be costly.
4. By granting this variance substantial justice would be done because: it allows the property owner to keep a neater location.

5. The use contemplated by petitioner as a result of obtaining this variance would not be contrary to the spirit of the ordinance because: it would allow a use for this property with no other method to do so.

Mike McGrath made a motion to approve the Statement of Reasons, seconded by Louie Major, motion passed.

Louie Major made a motion to grant the variance seconded by Mike McGrath, motion passed.

Board Business:

Mike McGrath made a motion to approve the minutes dated April 10, 2012, seconded by Dorianne Almann, motion passed.

7:30 pm Louie Major made a motion to adjourn, seconded by Mike McGrath, unanimous to adjourn.

Respectfully submitted by,

CDC Kathryn Lynch