

Zoning Board of Adjustment meeting minutes for July 8, 2014

Present: Vice-Chair Todd Page, Bruce Bellville, Selectman Jay Ebbighausen, Alt. Dorianne Almann and CDC Kathryn Lynch. Excused were Chair John Smith and Lewis Major. Two members of the public were present.

7:00 pm Vice-Chair Todd Page called the meeting to order and read the Public Notice. Mr. McCarthy explained that he had a mobile home on his property years ago that was ruined in a flood. He would like to put another mobile home on the lot where his 5th wheel presently sits. The required setback in the Rural Agricultural District is 20'. He needs a variance for 15' setback because the proposed mobile home is a little longer than the previous. The setback that he will be encroaching upon is on a land lot that he presently owns.

Vice-Chair Todd Page asked for questions or comments from the Board.

Dorianne Almann asked what happened to the mobile home that was flooded, (it was demolished and removed in 2007). What was the size of the previous home and what will be the size of the new home? (The previous home was 65' x 24' and the new home will be 14' x 70').

Bruce Bellville asked about the 5th wheel that presently sits on the slab (it will be removed). Can the mobile home be placed towards the existing garage? (No, there is no room and there is an existing cement slab that the mobile home will sit).

Hearing no further questions or comments Vice-Chair Todd Page closed the public hearing. The Board worked on the Finding of Facts, stating three:

1. Applicant proposes to replace a pre-existing mobile home that was condemned due to a flood.
2. Due to the length of the mobile home the applicant will only have a 15' setback instead of the required 20', which will encroach on to a land lot that the applicant presently owns.
3. No members of the public spoke in favor or opposition.

Bruce Bellville made a motion to adopt the Finding of Facts, seconded by Selectman Jay Ebbighausen, the motion passed.

Board composed the Statement of Reasons:

1. Granting the variance (~~would~~ – **would not**) be contrary to the public **interest** because: *There was a mobile home on the property that was condemned due to flooding. The proposed mobile home will be placed on an existing slab.*
2. The **spirit** of the ordinance (~~would~~ - ~~would not~~) be observed because: *The applicant is replacing a pre-existing mobile home. There are no other changes on the property, just a minor adjustment in size.*

3. Granting the variance (**would - would not**) do substantial **justice** because: The applicant is replacing a pre-existing mobile home. There were no prior issues with the previous structure being on this lot.
4. For the following reasons, the **values** of the surrounding properties (~~would~~ - **would not**) be diminished: The new mobile home will increase the properties value and it fits in with the neighboring structures.
5. **Unnecessary Hardship**
 - A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because: There is an existing garage, the mobile home cannot be placed closer to it. There is an existing slab for the mobile home. The mobile home will be placed closer to the abutting lot, that the applicant currently owns.
 1. There (**is - is not**) a fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property because: The applicant is not changing the characteristics of the property.
 2. The proposed use (**is - is not**) a reasonable one because: This is an allowed use of this property.
 - B. The criteria in subparagraph (A) having not been established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. The property (~~can~~ - **cannot**) be used in strict conformance with the ordinance because: The mobile home is a little longer in length and there is an existing slab that the mobile home will sit upon.

Bruce Bellville made a motion to approve the Statement of Reasons as developed, seconded by Dorianne Almann, the motion passed.

Bruce Bellville made a motion to grant the variance, seconded by Dorianne Almann, the motion passed.

It was explained to the applicant that the variance was granted.

Selectman Jay Ebbighausen made a motion to approve the minutes dated June 10, 2014 as amended, seconded by Bruce Bellville, the motion passed.

7:30 pm Selectman Jay Ebbighausen made a motion to adjourn, seconded by Bruce Bellville, motion to adjourn unanimous.

Respectfully submitted by,

CDC Kathryn Lynch