

Zoning Board of Adjustment meeting minutes for September 9, 2014

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

7:00 pm Chair John Smith called the meeting to order. Chair John Smith explained to the applicant that there was not a full Board and asked if the applicant would like to proceed? (Yes). CDC Kathryn Lynch read the Public Notice for case #0914.

Chair John Smith read the application. Along with the application the Board reviewed pictures of the property, site plan and the Building Inspector's denial for a building permit because the shed's proposed placement is within the applicant's setback.

Applicant explained that they have spoken to neighbors and they have no issue with the sheds proposed placement on the applicant's property. Chair John Smith commented that no abutters are present to comment and they all received certified notices.

Chair John Smith asked if any members of the public had questions or comments in favor.

Chair John Smith asked if any members of the public had questions or comments opposed.

Hearing no questions or comments Chair John Smith closed the public hearing and asked for questions or comments from the Board. Alt. Dorianne Almann asked how tall the fence on their property is, how tall will the shed be, and what the shed's exterior and foundation will be? (The fence is six feet tall, the shed will be eleven feet tall and the exterior will be 2"x4" pressure treated wood with plywood textured vertical clapboards. The foundation consists of 4"x4" pressure treated wood on a bed of crushed stone).

The Board worked on the Finding of Facts, stating one:

1. Facts of the case as presented are not disputed by any abutter or member of the public.

Lewis Major made a motion to adopt the Finding of Facts, seconded by Alt. Dorianne Almann. The Motion passed.

Statement of Reasons as presented by the applicant:

1. Granting the variance (~~would~~ – **would not**) be contrary to the public **interest** because: The public interest is not impacted by the approval of this variance.
2. The **spirit** of the ordinance (**would** - ~~would not~~) be observed because: The shed would add value to the property and blend in with surrounding properties.
3. Granting the variance (**would** - ~~would not~~) do substantial **justice** because: It would allow the property owner to safely secure and store personal property (i.e. lawnmower, snow-blower, etc.).
4. For the following reasons, the **values** of the surrounding properties (~~would~~ - **would not**) be diminished: The shed would be pleasing to the eye, conform with buildings in the area in style and not distract from the beauty of the area.
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:

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: There is no other place on the property to put the shed. The land is hilly and wet in places. The applicant would have to bring in a large amount of loam to level out an area for the shed.
 2. The proposed use (~~is~~ - ~~is not~~) a reasonable one because: There is a need to have easy access and safe storage of the personal property to be stored in the shed.
- 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: Placement of the shed 20' from the property line would put it in the center of the applicants yard. There is only 45' from the garage to the property line. It would render the rest of the side yard unuseable for anything else. Therefore the applicant requests a variance so they can utilize their property in the best possible way.

Lewis Major made a motion to approve the Statement of Reasons as presented by the applicant, seconded by Alt. Dorianne Almann. The motion passed.

Lewis Major made a motion to grant the variance, seconded by Alt. Dorianne Almann, the motion passed.

It was explained to the applicant that the variance was granted, they would receive paperwork in the mail and that the Building Inspector is open on Thursday morning and he will be informed of the variance.

Lewis Major made a motion to approve the minutes as amended for 7/8/14, seconded by Alt. Dorianne Almann. The motion passed.

Lewis Major made a motion to approve the minutes as amended for 8/19/14, seconded by Alt. Dorianne Almann. The motion passed.

With no other business to discuss, Chair John Smith asked for a motion to be made to adjourn. The motion was made by Lewis Major and seconded by Alt. Dorianne Almann. The motion passed unanimously and the meeting ended at 7:30pm.

Respectfully submitted by,

CDC Kathryn Lynch