

ZONING BOARD OF ADJUSTMENT MEETING
SEPTEMBER 3, 2015

PRESENT: Wendy Juchnevics-Freeman, Chairman, David Lage, Edwin Somero

The meeting was called to order at 7:00 p.m. at the Town Office. As there was only a Board of three members, Mr. Traffie was given the opportunity to continue the hearing until the next meeting with a full Board as all three members this evening would have to vote in the affirmative in order for the application to pass. Mr. Traffie decided to proceed this evening.

Jonathan Traffie – Public hearing for a variance application: Mr. Traffie owns lot 12/59, 180 Willard Road. He submitted a variance application to Article XII. A. of the Zoning Ordinance to permit construction of an addition within the 30 foot front setback.

Wendy announced there was a typo on the abutter notice. The lot number was incorrect. The lot number is 12/59. Mr. Traffie noted he had a certified plot plan that listed the lot as 12/69. He submitted a new plan with the correct lot number.

Mr. Traffie proposes building an addition for an entryway on the side of his home which will be within the 30 foot setback. It will be 27 feet back and encroach 3 feet into the setback. The driveway will be moved slightly.

The five criteria for granting the variance were reviewed:

- 1) The proposed use would not be contrary to the public interest – Mr. Traffie stated the proposed addition would not be infringing on the public's right of way any more than the existing residence already is. The new addition would be farther from the front boundary line than the existing residence is. The infringement on the setback is 3 feet.
- 2) The use is not contrary to the spirit of the ordinance – Mr. Traffie stated a distance of over 27'10" from the front boundary line would be maintained which is still a large portion of the 30' technical distance allowed. In general, it is still a fair distance and very much comparable to the safety and space allotted by 30 feet.
- 3) Granting the variance would do substantial justice – Mr. Traffie stated there is no other place on the existing structure that the proposed addition can be placed to conform to the setbacks and floor plan of the residence without extensive work and expense to move the existing residence.
- 4) The proposed use would not diminish property values – Mr. Traffie stated it would increase the taxable square footage of the residence which would increase the property taxes, therefore the property values.
- 5) Literal enforcement of the ordinance would result in unnecessary hardship to the owner because the following special conditions of the property diminish it from other properties in the area – Mr. Traffie stated this property has an existing residence that was built prior to zoning laws (1950s) and was built in the current 30 feet front setback so it would leave us with one

option – pick up and move the house which would be a substantially unreasonable hardship by cost and scope of work.

David made a motion to close the public hearing. Edwin seconded the motion and it passed unanimously and the Board deliberated.

The Board agreed the proposal was a reasonable one. David made a motion to grant the variance application to Article XII.A of the Zoning Ordinance to permit a 12'x18' addition and the waiver of the 30' front dimensional control. Edwin seconded the motion and it passed unanimously.

David made a motion to adjourn. Edwin seconded the motion and it passed unanimously.

Respectfully submitted,

Joanne Meshna
Town Administrator