

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
MINUTES
Public Hearing
August 1, 2013
Approved as amended 9/5/13**

I. CALL TO ORDER

Paul Monziona called the meeting to order at 7:16 p.m.; meeting was called later than usual due to late arrivals.

II. INTRODUCTION OF PLANNING DEPARTMENT AND ZONING BOARD MEMBERS

Paul Monziona, Chair, introduced himself, the Planning Department Representative, and the members of the Zoning Board of Adjustment:

John Dever, Building Inspector and Code Enforcement Officer
Paul Larochele, Alternate
Tim Morgan, Member
Lou LaCourse, Member

III. APPOINTMENT OF ALTERNATE

T. Morgan made a motion to appoint P. Larochele as a member for this meeting. L. LaCourse seconded the motion which passed with three votes in favor, none opposed, and no abstentions.

IV. STATEMENT OF THE APPEAL PROCESS

The purpose of this hearing is to allow anyone concerned with an Appeal to the Board of Adjustment to present evidence for or against the Appeal. This evidence may be in the form of an opinion rather than an established fact, however, it should support the grounds which the Board must consider when making a determination. The purpose of the hearing is not to gauge the sentiment of the public or to hear personal reasons why individuals are for or against an appeal but all facts and opinions based on reasonable assumptions will be considered. In the case of an appeal for a variance, the Board must determine facts bearing upon the five criteria as set forth in the State's Statutes. For a special exception, the Board must ascertain whether each of the standards set forth in the Zoning Ordinance has been or will be met.

V. APPROVAL OF THE AGENDA

T. Morgan made a motion to approve the agenda as presented. L. LaCourse seconded the motion which passed with four votes in favor, none opposed, and no abstentions.

VI. CONTINUED APPLICATIONS

Case #Z13-10 William & Sheila Selfridge	Variance Map 15 Lot 21-2	8 Chestnut Cove Road
--	-------------------------------------	-----------------------------

William R. and Sheila A. Selfridge are requesting a variance to Article 300 Section 320.A.3 of the Zoning Ordinance to permit a change of one non-conforming use to another by replacing a recreational travel trailer with a manufactured home. The property is located in the Rural Zone.

J. Dever read the case into the record. The nonconformity in this case is that there is already an existing dwelling on the property. This application was accepted at the July 11, 2013 meeting.

William R. and Sheila A. Selfridge came forward to present their application.

Mrs. Selfridge explained that they have contacted New Style Homes; this material is included in a packet given to the Board, said packet to become part of the application. The home they have decided on is depicted in the drawings, along with location on the plat showing where the modular home will be located in reference to the lot line setbacks. This home will be placed on a full foundation.

L. LaCourse asked about the footprint of the current trailer and addition attached. It was determined that the trailer and the attached "porch" are 25' X 19'.

P. Monziona referenced photos attached with the staff review; the Selfridges' also have copies of the photos. There are two dwellings on the lot currently. The other home is at the other end of the lot and is shown on the tax card and on a plan showing the whole lot. The other home is accessed from Route 28A and is at the far end of the lot. The dwelling being replaced is accessed from Chestnut Cove Road. The trailer and the wooden structure are completely attached, and will both be completely removed when the modular home is brought in. The modular will replace the trailer and porch; the trailer is on wheels and can be moved. The new structure will have two bedrooms; the current septic system is designed for 2 bedrooms.

The porch addition on the trailer is going to be torn down when the trailer is removed. The new modular is larger than the existing trailer/porch but will be located on the same spot.

This lot is in the rural zone and consists of five acres. Zoning permits one dwelling unit per lot, no matter the size of the lot. After discussion, it was ascertained that this lot had two homes on it prior to the zoning ordinance prohibiting two dwellings. P. Monziona asked whether a travel trailer could be considered a dwelling; J. Dever explained that permits were issued for the trailer and the porch structure, which could actually be considered the dwelling unit. P. Monziona asked about the wooden structure containing living space; it was constructed prior to the zoning prohibiting two dwellings. The wooden structure contains dining and living rooms. The trailer and wooden structure are attached, thereby making the trailer immovable. This has been the case since before 1989.

The other home on the property is a rental property; the Selfridges' intend to retain the new modular for their own use. The new modular is a lot larger than the existing trailer and porch addition.

P. Monziona opened the floor to public input, both in favor of and in opposition to the application; there was none, as the room was empty save Board members, staff, and the applicants. Public input was closed.

P. Monziona discussed the fact that he still questions whether the travel trailer is actually a dwelling unit; he finds that it is because the travel trailer is permanently attached to the wooden structure and has been since prior to the zoning ordinance prohibiting two dwelling units on a lot. Therefore, there were two dwelling units on the lot since before the ordinance changed and the two dwellings are grandfathered. Also, he brought up the point that the new dwelling is quite a bit larger than the travel trailer/addition being replaced; there is no prohibition in the request for variance that would cause the larger dwelling unit to be an issue. T. Morgan agreed; if this had been a Special Exception, the larger footprint might have been more of an issue than it is with the variance requested.

WORKSHEET

P. Larochelle stated that the variance will not be contrary to the public interest. This is going to be an improvement to the neighborhood and the surrounding properties. P. Monziona agreed; it will not be contrary because these two dwellings on one lot are permitted under the grandfather clause. T. Morgan agreed that this will be an improvement. L. LaCourse agreed and pointed to the fact that there is no public input in this case.

P. Monziona stated that the request is in harmony with the spirit of the ordinance and the intent of the Master Plan and with the convenience, health, safety, and character of the district within which it is proposed. This is residential and in the rural zone, and there have been two dwellings there since the 80's. Additionally, this will

be a safer, nicer dwelling. T. Morgan agreed; the new dwelling enhances the character of the neighborhood. L. LaCourse and P. Larochelle agreed.

T. Morgan stated that by granting the variance substantial justice would be done; the value to the applicant far outweighs any detriment to the town of Alton and its citizens. All members agreed.

L. LaCourse stated that the request would not diminish the value of surrounding properties; if there is any impact at all, it will be positive. All members agreed.

P. Larochelle stated that for purposes of this sub-paragraph, unnecessary hardship means that owing to special conditions of the property that distinguish it from other properties in the area, no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property, and the proposed use is a reasonable one. P. Monziona agreed; the special conditions of the property are that two houses have been on the property since before zoning prohibiting that. The proposed use is of course reasonable since it is residential. T. Morgan and L. LaCourse agreed.

Even though the criteria of sub-paragraph A were met, P. Monziona continued; if the criterion in Sub-paragraph (A) are not established unnecessary hardship will be deemed to exist only if owing to special conditions of the property that distinguish it from other property in the area, the property can not be reasonably used in strict conformance with the ordinance and a variance is therefore necessary to enable a reasonable use of it. The fact that this property is grandfathered, and that the criteria in sub-paragraph A were met, means that unnecessary hardship need not be applied. All members agreed.

T. Morgan made a motion to approve the application for Case #Z13-10. L. LaCourse seconded the motion which passed with four votes in favor, none opposed, and no abstentions.

VIII. OTHER BUSINESS

A. Previous Business: None

B. New Business:

Zoning Amendment Committee meetings will be held the next two consecutive Thursdays at 5:45 p.m. in the Heidke Room. The meeting on August 8, 2013 is rescheduled from one not held due to lack of a quorum; the one on August 15, 2013 is with the consultant working on the Workforce Housing Survey.

Member Tim Kinnon has submitted his resignation from the Board; his home in Alton has been sold and he will be moving soon. T. Morgan questioned the process for making P. Larochelle a permanent member; J. Dever will speak to Attorney Sessler about the procedure.

C. Minutes: July 11, 2013

Page 5 – The last sentence of the first full paragraph states “...the beaten path does not follow the road or record;” it should read “...the beaten path does not follow the road of record.”

Page 6 – About 2/3 of the way through the 4th full paragraph, the sentence reads, “In this case, the applicant is taking half of the house and most of the deck out of the 30 foot setback almost completely.” It should read, “In this case, the applicant is taking all of the house and most of the deck out of the 30 foot setback almost completely.”

Page 10 – The last sentence of the next to last paragraph reads “...regulation of the town and the state anything will be long term to diminish...;” it should read “... regulation of the town and the state nothing will be done to diminish...”

L. LaCourse made a motion to approve the minutes as amended; P. Larochelle seconded the motion which passed with four votes in favor, none opposed, and no abstentions.

D. Correspondence: Town and City Magazine was distributed.

IX. ADJOURNMENT

T. Morgan made a motion to adjourn. L. LaCourse seconded the motion which passed without opposition.

The meeting adjourned at 7:53 p.m.

The next regular ZBA meeting will be held on September 5, 2013, at 7:00 p.m. at the Alton Town Hall.

Respectfully submitted,

Mary L. Tetreau
Recorder, Public Session