

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
MINUTES
Public Hearing
December 1, 2011
Approved 1/5/12**

I. CALL TO ORDER

Tim Morgan, Chair, called the meeting to order at 7:00 p.m.

II. INTRODUCTION OF PLANNING DEPARTMENT AND ZONING BOARD MEMBERS

Tim Morgan, Chair, introduced himself, the Planning Department Representative, and the members of the Zoning Board of Adjustment:

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

III. APPOINTMENT OF ALTERNATES

There was a motion by Lou LaCourse, seconded by Tim Kinnon, to appoint Alternate Member Paul Larochele as a regular member for this meeting. The vote on the motion was three in favor, none opposed.

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

There were no changes to the posted agenda.

VI. NEW APPLICATIONS

Case #Z11- 23 1702 Mount Major Highway	Variance Map 65 Lot 17	Spring Haven Campground LLC Lakeshore Residential District
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On behalf of the property owners, Thomas Varney, PE, of Varney Engineering, is submitting a request for a Variance to Article 300, Section 355 A, 1. to allow a Recreational Campground to operate year round (four seasons) for temporary occupancy by change from recreation vehicles to park model campers.

J. Dever read the case into the record. Thomas Varney of Varney Engineering came forward and asked to have this case moved to the January 5, 2012 agenda so he can complete some changes to the plan. The deadline for submission would be December 15, 2011 in order to meet notice requirements.

Case #Z11-24/25 15 Lakewood Drive	VariANCES Map 11 Lot 25-29	Paul and Donna Fritz Residential Rural Zone
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On behalf of the property owners, Regina A. Nadeau, Esq., is applying for two variances: the first to Article 400, Section 401:3 to allow a previously constructed accessory apartment in the Residential Rural District, and the second to Article 400, Section 463:A, 2. to permit two dwelling units in the Residential Rural District on 1.9 acres, where 2.0 acres are required.

J. Dever read the case into the record. Attorney Nadeau came forward to present the case; the property owners, Paul and Donna Fritz, also came forward.

The Board members reviewed the application for completeness.

L. LaCourse made a motion to accept the application as complete; P. Laroche seconded the motion which passed with four votes in favor and none opposed.

Attorney Nadeau explained that even though there are two applications for variance, the supporting information is common to both. There was no Certificate of Occupancy issued for this property, though there are several other permits issued which do indicate the intent to have an accessory apartment; there are a total of 4 bedrooms between the two dwelling units. The accessory apartment is 496 sq. ft., which is less than 25% of the total square footage of the dwelling. This property was purchased by the Fritz's as it now exists.

The current situation creates a financial hardship for the owners; they have only owned the property for a short time and are looking to downsize.

J. Dever had a conversation with the builder who recalled that both the building inspector and the fire chief at the time the dwelling was built had no issues with the three bedroom house and one bedroom apartment. The plans submitted to the Building Department indicate the three bedroom/one bedroom configuration.

Egress from the accessory apartment was discussed at some length. There is a direct exit to the outside through a set of sliders at the front. Additionally, there is an exit through a door into the garage. However, there is not an egress window or direct exit from the bedroom of the apartment. Members discussed making addition of a bedroom egress window a condition of approval. Attorney Nadeau stated that having to excavate and put in an egress window, which would be below grade, would create a hardship for the owners. Attorney Nadeau marked up a copy of the plan to show the Board members the location of existing exits.

Tim Morgan opened the floor to public input; there was no public input at this time.

Attorney Nadeau asked for clarification on J. Dever's conversation with the builder; J. Dever explained that it would have been at the discretion of the Fire Chief to determine that the exit through the garage would be sufficient as egress from the bedroom. L. LaCourse voiced concern about a fire exit through a garage where flammable materials are often stored. Under present code requirements, an egress window would be required, as would a fire wall between the garage and the apartment.

WORKSHEET – Article 400, Section 401:3 (to allow the accessory apartment)

All members agreed that the variance would not be contrary to the public interest.

All members agreed that the request is in harmony with the spirit of the Zoning Ordinance and the intent of the Master Plan, and with the convenience, health, safety, and character within the district in which it is proposed.

All members agreed that by granting the variance substantial justice will be done.

All members agreed that the request will not diminish the value of surrounding properties.

All members agreed that no fair and substantial relationship exists between the general public purposes of the ordinance provision and specific application of the provision to the property, and the proposed use is a reasonable one.

L. LaCourse made a motion to approve the application in case Z 11-24 with the condition that a second form of egress is to added at the rear of the building. P. Larochelle seconded the motion which passed with four votes in favor and none opposed.

WORKSHEET – Article 400, Section 463: A, 2. (To permit two dwelling units in the Residential Rural District on 1.9 acres, where 2.0 acres are required).

All members agreed that the variance would not be contrary to the public interest.

All members agreed that the request is in harmony with the spirit of the Zoning Ordinance and the intent of the Master Plan, and with the convenience, health, safety, and character within the district in which it is proposed.

All members agreed that by granting the variance substantial justice will be done.

All members agreed that the request will not diminish the value of surrounding properties.

All members agreed that no fair and substantial relationship exists between the general public purposes of the ordinance provision and specific application of the provision to the property, and the proposed use is a reasonable one.

T. Kinnon made a motion to approve the application for Case Z11-25. Paul Larochelle seconded the motion which passed with four votes in favor and none opposed.

VIII. OTHER BUSINESS

A. Previous Business: Zoning Amendments update

There will be a meeting of the Zoning Amendment Committee at 4:30 p.m. on Tuesday, December 6, 2011; that meeting will be followed at 5:00 p.m. by presentation of proposed Zoning Amendments to the Planning Board.

B. New Business: There was none

C. Minutes: November 3, 2011

On page 2, second full paragraph, seventh line, the word “grandfather” should be changed to “grandfathered.”

L. LaCourse made a motion to approve the minutes of the November 3, 2011 meeting as amended. Motion was seconded by P. Larochelle and passed with three votes in favor, none opposed, and one abstention (T. Kinnon).

D. Correspondence: There was none

IX. ADJOURNMENT

T. Kinnon made a motion to adjourn. Lou LaCourse seconded the motion which passed with all votes in favor.

The meeting adjourned at 7:45 p.m.

The next regular ZBA meeting will be held on January 5, 2012, at 7:00 p.m.

Respectfully submitted,

Mary L. Tetreau
Recorder, Public Session