

**VILLAGE OF ESSEX JUNCTION
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
May 15, 2007**

MEMBERS PRESENT: Tom Weaver (Chairman); Robert Walsh, Ron Gauthier,
Bruce Murdough, Mary Gauthier.
ADMINISTRATION: Jeff Arango, Development Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Weaver called the meeting to order at 7 p.m. There were no comments from the public at this time.

2. ADDITIONS/AMENDMENTS TO AGENDA

None.

3. MINUTES

November 21, 2006

MOTION by Mary Gauthier, SECOND by Ron Gauthier, to approve the 11/21/06 minutes as written. VOTING: 5 ayes; motion carried

4. PUBLIC HEARING

The function of the Zoning Board as a quasi-judicial board and the hearing procedure were explained. Individuals to give testimony on applications before the Board were sworn in. Applicants were given the option to postpone their hearing until a full board is present.

Variance application to replace a 4'x 6' nonconforming sign at 61 Main Street in the R-O District by Rev. James Gangwer, Pastor for Calvary Baptist Church, owner
Rev. Gangwer appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the application for a 24 s.f. sign which exceeds the maximum allowed size by four square feet. The new sign is already in place without a permit. The applicant indicated they are replacing an existing sign, but there is no sign permit on file. Additionally, the regulations do not allow alteration of a noncomplying sign except for painting.

APPLICANT COMMENTS

Rev. Gangwer stated the church has had a sign posted for years and years. The former sign was parallel to Route 15 and difficult to see. The church trustees felt a sign perpendicular to the road would be more visible. A 24 s.f. sign was built, and then it was discovered there was no record of a permit for the sign. It was also discovered the maximum sign size is 20 s.f. Rev. Gangwer stated the larger sign is more visible. Bruce Murdough asked about reducing the size of the sign and changing the lettering in order to be compliant with the ordinance. Rev. Gangwer stated the illuminated sign that was there

before was a commercial sign similar to the sign for the Congregational Church. The sign was parallel to Route 15. A perpendicular sign placement will make the sign more visible traveling from the east or west.

There was further discussion of the sign. Tom Weaver pointed out the entire sign is not four feet high so the actual square footage may be less than 24 s.f. in total. Ron Gauthier calculated the proposed sign size at 21.75 s.f. The variance needed is 1.75 s.f. or 8%. If three inches are removed from the bottom of the sign, the sign will be compliant and a variance will not be necessary.

PUBLIC INPUT

Paul Ferland, 4 Pleasant Street, expressed concern about a sign in violation of the ordinance. Mr. Ferland suggested removing some of the hedge by the church to make the church more visible. Adding signs along Main Street downgrades the area, continued Mr. Ferland, noting the church paved to the property boundary line and is parking cars there. Tom Weaver pointed out the application is for a sign. Other issues will not be discussed at this time.

There were no further comments.

MOTION by Ron Gauthier, SECOND by Robert Walsh, to close the public portion of the variance application for a sign at 61 Main Street. VOTING: 5 ayes; motion carried.

DELIBERATION/DECISION

Variance application to replace a 4' x 6' nonconforming sign at 61 Main Street in the R-O District by Rev. James Gangwer, Pastor for Calvary Baptist Church, owner

Tom Weaver asked if the sign conforms to all other regulations. Jeff Arango assured the setbacks are met, but there is not a permit on file for previous signs. There was discussion of reducing the bottom of the church sign by three inches and the sign will then conform to the ordinance (no variance will be needed).

FINDINGS OF FACT:

1. The property is in the R-O District with a lot size of approximately 15,675 s.f.
2. Section 609.H.3 limits signs for nonresidential uses in the R-O District to 20 square feet.
3. The applicant is requesting a variance of approximately 1.75 feet for a 21.75 s.f. sign.
4. The sign appears to be in compliance in all aspects other than size.
5. A sign permit is required.
6. There was public comment on the application.

CONCLUSION:

1. Findings #1-#6 do not support the variance criteria of Section 1703.C.

MOTION by Ron Gauthier, SECOND by Mary Gauthier, based on the above Findings and Conclusion to deny the variance request to replace a nonconforming sign at 61 Main Street by Rev. James Gangwer, Pastor for Calvary Baptist.

DISCUSSION: Robert Walsh commented that taking the sign down, removing three inches and reinstalling seems like a lot of work for a minimal variance which is not even noticeable. Bruce Murdough pointed out that same argument could be applied to even having a sign ordinance (but there is an ordinance and signs must conform or a variance granted).

VOTING: 4 ayes, 1 nay (Walsh); motion carried.

Variance application for relief of six feet from the side setback for a 10'x 18' storage shed at 12 Jackson Street in the R-2 District by Joel Wheeler, owner
Joel Wheeler appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the request for eight feet of relief from the side yard setback to place a 10'x 18' storage shed two feet from the property line. There is no garage on the property. The applicant wants to align the shed with the driveway.

APPLICANT COMMENTS

Joel Wheeler stated there is an existing 6'x 6' shed on the property, but the shed is falling down and needs to be removed. The explanation of a shed versus a garage is because the lot is narrow and a garage would end up in the center of the back yard. A shed is the compromise. A couple of motorcycles will be stored in the shed in the winter. Aligning the shed with the driveway makes it more functional when moving items in/out. The other reason is aesthetics. If the structure is moved farther from the side line, an existing maple tree will be impacted. Snow removal from the gravel driveway is a challenge, conceded Mr. Wheeler, who stated plans to pave the driveway at some point. It was noted the width of the lot is 48', the shed is 18' and the variance is two feet. There will be 28' of backyard remaining once the shed is in place. There are two existing maple trees in the backyard. Jeff Arango asked if the driveway configuration will be changed if the shed is approved. Mr. Wheeler stated the configuration of the driveway will likely be changed regardless. There was further discussion of the reconfiguration of the driveway and the impact on the existing trees if the shed is relocated. The backyard is very small.

A statement from the neighbor, Wilbert Bushey, 14 Jackson Street, in support of the shed was submitted. It was noted in 2001 there was a single car garage on the property located closer to the property line. The neighbor's garage is less than two feet from the property line. The neighbor's lot is about 48' wide.

PUBLIC INPUT

None.

MOTION by Ron Gauthier, SECOND by Robert Walsh, to close the public portion of the variance application for a shed at 12 Jackson Street by Joel Wheeler.

VOTING: 5 ayes; motion carried.

DELIBERATION/DECISION

Variance application for relief of six feet from the side setback for a 10'x 18' storage shed at 12 Jackson Street in the R-2 District by Joel Wheeler, owner

Tom Weaver noted there was a garage on the lot in the past, the neighbor's garage is in the same location on that lot as the shed would be on the applicant's lot, and there is very limited space on the applicant's lot.

FINDINGS OF FACT:

1. The project site is located at 12 Jackson Street in the R-2 District.
2. The applicant is requesting a variance of six feet to locate a shed two feet from the side property line.
3. The proposed storage shed is 10'x 18'.
4. In accordance with Section 706.F all storage sheds in residential districts must be eight feet from the side and rear property lines.
5. The previous garage was located in the same location as the proposed shed.
6. The property is located in an area with small lots and garage or shed locations near or on property lines are a common occurrence.
7. There will be storage of motorized vehicles in the shed.
8. There are two existing trees which would have to be removed or trimmed to allow the shed to be in conformance.
9. There was a letter from the neighbor at 14 Jackson Street in support of the application.

CONCLUSION:

1. Findings #1-#9 satisfy the variance criteria of Section 1703.C(1-6).

MOTION by Ron Gauthier, SECOND by Mary Gauthier, based on the above Findings and Conclusion to grant the variance request by Joel Wheeler for a shed at 12 Jackson Street as presented. VOTING: 5 ayes; motion carried.

Conditional Use application to change the first floor residential space to office space at 64 Main Street in the R-O District by Jeffrey and Deborah Brassord, agent for Michael and Barbara Caiti, owners

Jeff Brassard appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the request to change of use on the first floor at 64 Main Street from residential to professional office. The second floor will remain residential (apartments). An information technology (IT) business with two employees will be the office use. There are six existing parking spaces (eight are required). The Planning Commission granted a waiver of two parking spaces due to the limit of two employees and that most of the business will be conducted off-site. No outside changes to the building are proposed.

APPLICANT COMMENTS

Mr. Brassord explained his company is small and will operate on the first floor of the building at 64 Main Street. There was business in the building (insurance company) previously. There were seven parking spaces in the past, but when the first floor space was converted to residential, one parking space was eliminated. Current zoning does not allow restoration of the eliminated parking space. The apartment leases stipulate one parking space per unit. The driveway is paved to a width of two cars. No alterations are planned to the outside of the building, though the landscaping has been “perked up”. Mr. Brassord stated most of the IT work is done off-site. Very few client visits to the site are anticipated. There will be no adverse impact to the neighborhood due to the business which will be very unobtrusive. Planning Commission approval of a sign will be sought. The sign will meet the standards.

Ron Gauthier asked about the paver walkway shown on the site plan. Mr. Brassord stated the walkway is a future enhancement.

PUBLIC INPUT

Paul Ferland, Pleasant Street, spoke in support of the office use. Mr. Ferland noted in the past there were cars parked on the lawn, and asked if parking will be restricted from parking on green space since the house is on the main street into the village. Jeff Arango pointed out a condition of approval indicates parking is allowed in designated parking spaces only. There is to be no parking on green space.

There were no further comments.

MOTION by Robert Walsh, SECOND by Ron Gauthier, to close the public portion of the conditional use application for change of use at 64 Main Street by Jeff Brassord. VOTING: 5 ayes; motion carried.

DELIBERATION/DECISION

Conditional Use application to change the first floor residential space to office space at 64 Main Street in the R-O District by Jeffrey and Deborah Brassord, agent for Michael and Barbara Caiti, owners

FINDINGS OF FACT:

1. The property at 64 Main Street is approximately 9,328 s.f.
2. The applicant is requesting a change of use from three residential units to two residential units and a professional office.
3. Section 620 of the Land Development Code requires conditional use approval for a professional office in the Residential/Office (R-O) District.
4. The project site abuts the R-2 District to the northwest and the M-F3 District to the southwest.
5. The property at 64 Main Street is located adjacent to residential, commercial, and institutional uses.
6. No changes to the site or exterior of the building are proposed.
7. The planning Commission granted site plan approval on April 19, 2007 with conditions.

8. There was a previous office use on the first floor of the building at 64 Main Street.
9. There was public comment on the application.

CONCLUSION:

1. Findings #1-#8 satisfy the conditional use criteria of Section 502.C.

MOTION by Mary Gauthier, SECOND by Ron Gauthier, based on the above Findings and Conclusion to grant conditional use approval to Jeff Brassord for a change of use on the first floor of the building at 64 Main Street from residential to professional office. VOTING: 5 ayes; motion carried.

5. OTHER BUSINESS

None.

6. ADJOURNMENT

MOTION by Robert Walsh, SECOND by Ron Gauthier, to adjourn the meeting. VOTING: 5 ayes; motion carried.

The meeting was adjourned at 8:15 p.m.

RScty: M.E. Riordan

**VILLAGE OF ESSEX JUNCTION
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
June 19, 2007**

MEMBERS PRESENT: Tom Weaver (Chairman); Robert Walsh, Ron Gauthier,
Bruce Murdough, Mary Gauthier.
ADMINISTRATION: Jeff Arango, Development Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Weaver called the meeting to order at 7 p.m. There were no comments from the public at this time.

2. ADDITIONS/AMENDMENTS TO AGENDA

None.

3. MINUTES

May 15, 2007

MOTION by Mary Gauthier, SECOND by Bruce Murdough, to approve the 5/15/07 minutes with the following correction:

Page 1, Public Hearing, 1st paragraph – delete the sentence reading:

“Applicants were given the option to postpone...”.

VOTING: 5 ayes; motion carried

4. PUBLIC HEARING

The function of the Zoning Board as a quasi-judicial board and the hearing procedure were explained. Individuals to give testimony on applications before the Board were sworn in.

Variance application for relief from the front setback for a stockade fence at 28 South Street in the R-2 District by John Peduzzi, owner
John Peduzzi appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the variance of 10' for a stockade fence five feet from the front property line on Southview Road. The applicant's house is on the corner of South Street and Southview Road. There are essentially two front yards on the lot. The proposed fence will not be closer to the front property line than the existing garage. There is an existing chain link fence. It was clarified the proposed stockade fence will be six feet high, similar to the fence across the street. Ron Gauthier asked why there is a 15' setback (perhaps to protect sight distance). Jeff Arango said he is not aware of any safety reason for the setback.

APPLICANT COMMENTS

John Peduzzi stated the fence will be 15' from the curbing. The property line is on the curbing and that is five feet from the fence. The existing chain link fence will be replaced

with the stockade fence. If the fence were installed 15' from the property line it would be in the middle of the existing garage. There was discussion of the size and location of the lot in relation to surrounding lots (small lot surrounded by other lots). Mention was made of using screening (cedar trees or slats woven into the chain link fence) on the inside of the existing chain link fence to create a solid fence line. Mr. Peduzzi said he did not plan to plant trees. In fact, an existing tree by the garage will likely be taken down. The stockade fence is proposed for privacy and security purposes. In the past the pool has been slashed and items have been taken (stolen) from the garage. There will be a section of the fence that can be unbolted for access to the back yard. The proposed fence will run from the end of the garage (in line with the garage) and across the back of the lot. Mr. Peduzzi noted the fence will also accommodate his grandson who will be visiting.

There was mention of the neighbor's fence and that the fence was grandfathered. Tom Weaver explained and reviewed the variance criteria of Section 1703.C.

PUBLIC INPUT

Arlan Towle, 1 Southview Road (across the street from Mr. Peduzzi), said he testified in support of the variance for the neighbor's fence (Demag residence) which was grandfathered. The fence is closer to the sidewalk than the Peduzzi fence. Mr. Towle spoke in support of Mr. Peduzzi's proposed fence in the stated location, noting the fence will not impact the neighborhood. It was clarified the issue is replacing a see through fence with a solid fence, and that the proposed fence will exceed 29" in height.

There were no further comments.

MOTION by Ron Gauthier, SECOND by Robert Walsh, to close the public portion of the variance application for a fence at 28 South Street. VOTING: 5 ayes; motion carried.

DELIBERATION/DECISION

Variance application for relief from the front setback for a stockade fence at 28 South Street in the R-2 District by John Peduzzi, owner

There was discussion of the aesthetics of the proposed fence, solid versus chain link style, five feet or 15' from the sidewalk, following the garage line (straight line) or being set back into the back yard.

FINDINGS OF FACT:

7. The project site is located at 28 South Street in the R-2 District with a lot size of approximately 10,944 s.f.
8. The applicant is proposing to construct a six foot high stockade fence five feet from the front property line along Southview Road.
9. Section 707.B.4 requires all non-transparent fences over 29" in height to meet the front yard setback.
10. The applicant is requesting a variance of 10' from the front yard setback off the Southview Road (requirement is 15' in the R-2 District).

11. The existing garage is also located five feet from the front property line along Southview Road, therefore, the proposed fence will not encroach any farther into the setback than the garage.
12. There is an existing chain link fence located along the property line from the rear of the garage to the rear property line and located five feet from the Southview Road right-of-way line.
13. The lot is narrow at only 66' wide.
14. The lot is a corner lot and, therefore, the front yard setback applies on Southview Road and South Street (the house, garage, and driveway face South Street).
15. The ordinance would allow the garage to be extended within the existing setback.
16. There was public comment in support of the application.

CONCLUSION:

2. Findings #1-#9 support the variance criteria of Section 1703.C.

MOTION by Bruce Murdough, SECOND by Ron Gauthier, based on the Findings and Conclusion to grant the variance request for relief of the front setback for a stockade fence at 28 South Street by John Peduzzi. VOTING: 5 ayes; motion carried.

5. OTHER BUSINESS

None.

6. ADJOURNMENT

MOTION by Bruce Murdough, SECOND by Ron Gauthier, to adjourn the meeting. VOTING: 5 ayes; motion carried.

The meeting was adjourned at 7:45 p.m.

RScty: M.E. Riordan

**VILLAGE OF ESSEX JUNCTION
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
August 21, 2007**

MEMBERS PRESENT: Ron Gauthier, Robert Walsh, Bruce Murdough, Mary Gauthier. (Tom Weaver was absent.)
ADMINISTRATION: Jeff Arango, Development Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

In the absence of Chairman Weaver, Ron Gauthier called the meeting to order at 7 p.m. There were no comments from the public at this time.

2. ADDITIONS/AMENDMENTS TO AGENDA

None.

3. MINUTES

June 19, 2007

MOTION by Mary Gauthier, SECOND by Robert Walsh, to approve the 6/19/07 minutes as written. VOTING: 4 ayes; motion carried

4. ELECTIONS

The Board postponed election of officers (Chairperson and Vice Chairperson) until the next meeting when a full board is present.

5. REVIEW/SIGN ETHICS POLICY

The Board signed the document. Jeff Arango will forward a full copy of the policy to board members.

6. PUBLIC HEARING

The function of the Zoning Board as a quasi-judicial board and the hearing procedure were explained. Individuals to give testimony on applications before the Board were sworn in.

Variance application to exceed lot coverage for a parking area at 44 Lincoln Street in the R-O District by Nate Crete, owner

Nate Crete appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the variance request for relief from the maximum amount of lot coverage of 40% in the R-O District. The applicant added a parking area of 450 s.f. (50' x 9'), resulting in lot coverage of 53.4% requiring a variance of 4.2%. Existing coverage was 49.2%. The parking area was previously increased without a permit and this action is being incorporated into the current application before the Zoning Board. There is pre-existing, non-conforming coverage of 49.2% which is greater than allowed. There is no screening of the parking as required with two or more dwelling units. Prior enforcement

action pertaining to use of the garage has occurred. A letter was also sent regarding the parking situation. If the applicant does not rectify the situation, then the matter will go to court. Securing a variance is one approach to mitigation.

APPLICANT COMMENTS

Nate Crete explained there was not enough room to park and maneuver vehicles out of the driveway without backing into the main road. Vehicles were parking on the lawn. The driveway was graded to be usable and improve the wash out situation. There was no intention to exceed lot coverage.

Mary Gauthier asked the size of the driveway. Jeff Arango stated the existing parking area is 46' wide. Typically a parking lot has 18' long parking spaces and a 24' wide aisle. Mr. Crete stated there is now enough room to turn a vehicle around in the parking area. There is a two-bedroom apartment above the garage and a single family house on the lot. There is parking inside the garage. There was further discussion of the parking area. Ron Gauthier calculated seven parking spaces in the area without parking in front of the garage.

PUBLIC COMMENT

Brian Rathburn, 48 Lincoln Street, stated the existing conditions need to be corrected. When the driveway work was done, fill was brought in which elevated the existing benchmark. Now water spills down the bank and impacts the landscaping and erodes the bank.

Colleen Rathburn, 48 Lincoln Street, recognized Mr. Crete's effort to improve conditions for the people living at 44 Lincoln Street. There is more than one family living in the house. People who park there are young and like to party, and that is why the driveway was widened, stated Ms. Rathburn. Cars were hitting the fence. There are too many cars parked at the house.

Chuck Lloyd, 51 Lincoln Street, stated the run off has improved some of the time, but virtually all of the time the sidewalk has effluent from the upper reaches and it does not get cleaned up. Nate Crete stated six to eight dump truck loads of dirt were brought to the site. Crushed stone was packed down. Wash outs are cleaned up, but it is inevitable there will be wash outs.

Robert Walsh observed one variance criterion applies to reasonable use of the property, and it seems before the work was done it was possible to turn vehicles around on the property. The additional space makes turn around easier. The applicant agreed.

There were no further comments.

MOTION by Ron Gauthier, SECOND by Robert Walsh, to close the public portion of the variance application for 44 Lincoln Street. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

Variance application to exceed lot coverage for a parking area at 44 Lincoln Street in the R-O District by Nate Crete, owner

FINDINGS OF FACT:

1. The project site is located at 44 Lincoln Street in the R-O District.
2. The maximum permitted lot coverage in the R-O District is 40% per Section 609.2.
3. The existing lot coverage is 49.2%.
4. The applicant is requesting a variance of 4.2% from the maximum permitted lot coverage of 40% to increase the parking area on the site by 450 square feet (50' x 9'); total proposed lot coverage is 53.4%.
5. The existing and proposed uses on the site include a single family residence and one apartment.
6. The parking requirement for the existing uses is four spaces which are provided within the existing approved parking area; existing parking calculations show at least seven parking spaces.
7. There was public comment on the application.

CONCLUSION:

1. Findings #1-#7 do not satisfy the variance criteria of Section 1703.C.

MOTION by Mary Gauthier, SECOND by Robert Walsh, based on the Findings and Conclusion to deny the variance request by Nate Crete for relief from the maximum allowed lot coverage at 44 Lincoln Street. VOTING: 4 ayes; motion carried.

Variance application for relief from the front setback for a driveway expansion at 7 Beech Street in the R-1 District by Mary Morris, owner

Glen Ghostlaw appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the application to widen the driveway at 7 Beech Street to greater than 20' within the front setback. Section 705.B.1 of the Code says a driveway cannot be over 20' wide until beyond the front setback. In the R-1 District the front setback is 20'. The driveway work has already been done. Public Works will be replacing the sidewalk that was removed. The applicant indicated the extra driveway width is needed so a third car can be parked without damage to the lawn. Based on the size of a typical parking space (9' x 18'), there is room for four cars in the driveway (two wide/two queued) plus there are two spaces in the garage.

APPLICANT COMMENTS

Mr. Ghostlaw stated application for a permit to widen the driveway by 10' to the north for a third vehicle was submitted before Memorial Day in May. Discussion with Public Works has taken place regarding the damaged sidewalk. The contractor (paver) hired to do the stonework did not follow the plan. The work is not complete. The pavers are on hold. The reason for the widening is to avoid driving on the lawn (muddy mess). Paving to within seven feet of the property line and winnowing back into the curb cut was done.

The curb cut is not in line with the garage. It would be very expensive to relocate the curb cut. Photographs of the parking and lawn damage before the driveway work was done were shown. The applicant noted if there is a vehicle parked in the driveway it is impossible to access the space on the side of the garage with the curb cut in the present location and a 20' setback. The garage is only 20' from the setback.

Mary Morris said the neighbors have indicated they are not opposed to the driveway work. Ron Gauthier noted the board did not receive either written or verbal testimony from the neighbors.

PUBLIC COMMENT

Chuck Lloyd, Lincoln Street, stated his curb cut width decreased from 24' to 20'. Having specifications is good, but the specifications should address the merits of a situation and have common sense.

There were no further comments.

MOTION by Mary Gauthier, SECOND by Robert Walsh, to close the public portion of the variance application for 7 Beech Street. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

Variance application for relief from the front setback requirement for a driveway wider than 20' at 7 Beech Street by Mary Morris

FINDINGS OF FACT:

1. The project site is located at 7 Beech Street in the R-1 District with a lot size of approximately 14,913 s.f.
2. The applicant is requesting a variance of 10' to expand the driveway to 30' within the front setback. The driveway width is 20' at the front property line and expands to 30' at the front setback line.
3. Section 705.B.1 limits the width of a driveway for one and two family dwellings to 20' until beyond the front yard setback.
4. In accordance with Section 618.C.1 the front yard setback in the R-1 District is 20'.
5. A two car garage exists on the subject property.
6. The existing driveway can accommodate the parking of at least three vehicles.
7. There was no public comment for or against the application.

CONCLUSION:

1. Findings #1-#7 do not satisfy the variance criteria of Section 1703.C.

MOTION by Robert Walsh, SECOND by Mary Gauthier, based on the Findings and Conclusion to deny the variance request by Mary Morris for relief from the front setback requirement for a driveway wider than 20' at 7 Beech Street. VOTING: 4 ayes; motion carried.

7. OTHER BUSINESS

None.

8. ADJOURNMENT

MOTION by Bruce Murdough, SECOND by Mary Gauthier, to adjourn the meeting. VOTING: 4 ayes; motion carried.

The meeting was adjourned at 8 p.m.

RScty: M.E. Riordan

**VILLAGE OF ESSEX JUNCTION
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
September 18, 2007**

MEMBERS PRESENT: Tom Weaver (Chairman); Ron Gauthier, Robert Walsh,
Bruce Murdough. (Mary Gauthier was absent.)
ADMINISTRATION: Jeff Arango, Development Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Tom Weaver called the meeting to order at 7 p.m. There were no comments from the public at this time.

2. ADDITIONS/AMENDMENTS TO AGENDA

None.

3. MINUTES

August 21, 2007

MOTION by Ron Gauthier, SECOND by Robert Walsh, to approve the 8/21/07 minutes with the following corrections:

Page 2, Motion – change “Ron Gauthier” to “Mary Gauthier”;

Page 3, Morris Application, Applicant Comments, first paragraph, sixth sentence – change “winnowing back into” to “tapering to”.

VOTING: 4 ayes; motion carried

4. ELECTIONS

Chairman

MOTION by Bruce Murdough, SECOND by Robert Walsh, to nominate and elect Tom Weaver as Chairman of the Essex Junction Zoning Board of Adjustment.

VOTING: unanimous; motion carried.

Vice Chairman

MOTION by Bruce Murdough, SECOND by Robert Walsh, to nominate and elect Ron Gauthier as Vice Chairman of the Essex Junction Zoning Board of Adjustment.

VOTING: unanimous; motion carried.

5. PUBLIC HEARING

The function of the Zoning Board as a quasi-judicial board and the hearing procedure were explained. Individuals to give testimony before the Board were sworn in.

Variance application for relief from the front yard setback for a stockade fence at 8 Waverly Street in the R-2 District by Gary Godbersen, agent for Edna Godbersen Trust
Gary Godbersen and Donna Kaynor appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the variance request of 12.5' for a stockade fence two and a half feet from the front property line on Waverly Street. The property is on the corner of Waverly Street and Mansfield Ave. so there are two front yards. Per Section 707.B.4, a non-transparent fence greater than 29" in height must meet front yard setbacks. The fence under discussion is six feet high and has been partially installed without a variance.

The variance criteria were explained to the applicant.

APPLICANT COMMENTS

Donna Kaynor explained the location of the fence gets to the issue of the size and shape of the lot. The fence is needed as a firm boundary on a busy road for Gary Godbersen's 90 year old mother (Edna Godbersen) who has Alzheimer's disease. Gary Godbersen stated the house is on the corner. The house and existing deck are already within the 15' setback. The lot is only approximately 40' wide. The location of the fence has to do with the width of the yard and in relation to the location of the road. Mansfield Ave. by the Countryside development is 24' wide, but by Waverly Street the road is 29' wide on one side and 19' wide on the other. A large amount of the lot was taken for the road and that is why the lot is so narrow. The fence was located so as not to interfere with snowplowing. It was noted the existing white picket fence around the front yard has not caused a problem with snowplowing. Gary Godbersen assured he will make necessary repairs if the snow piles up and damages the fence or the snowplow damages the fence. The fence will be braced from the inside. Ms. Kaynor noted the fence does not obstruct the view of traffic from any direction or driveway. The neighbor's driveway (Dubie) is more obstructed by the tree on the Dubie property than the fence on the Godbersen property. The fence is in line with the street sign and located there rather than farther in the yard to avoid decreasing the already limited amount of usable yard and being so close to the deck.

It was noted the house is nonconforming and built before setbacks were established. The lot size is small. Per the Code, a fence is considered a structure in terms of the front yard setback. The Code indicates a non-complying structure can be enlarged or expanded if adhering to all regulations except setbacks. The encroachment is similar to that of the principal structure. There was mention of installing the fence from the front corner of the house parallel to the property line approximately five feet from the property line.

PUBLIC COMMENT

None.

MOTION by Robert Walsh, SECOND by Bruce Murdough, to close the public portion of the variance application for 8 Waverly Street. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

Variance application for relief from the front yard setback requirement for a fence at 8 Waverly Street by Gary Godbersen, agent for Edna Godbersen Trust

FINDINGS OF FACT:

8. The project site is located at 8 Waverly Street in the R-2 District with a lot size of approximately 7,820 s.f.
9. The subject property has two front yard property lines: one on Waverly Street and the other on Mansfield Ave., 40.27' on Waverly Street and 124.8' on Mansfield Ave.
10. The applicant is proposing to construct a six foot high stockade fence two and a half feet from the front property line along Mansfield Ave.
11. Section 714.B.4 requires all non-transparent fences over 29" in height to meet the front yard setback.
12. The applicant is requesting a variance of 12.5' from the front yard setback requirement of 15' in the R-2 District.
13. The house (principal structure) is within the front yard setback along Mansfield Ave.
14. The addition of the fence as a structure should not exceed the nearest point of encroachment of the house from Mansfield Ave.
15. There were no public comments for or against the application.

CONCLUSION:

1. Findings #1-#8 satisfy the variance criteria of Section 1703.C.

MOTION by Bruce Murdough, SECOND by Robert Walsh, based on the Findings and Conclusion to grant the variance request by Gary Godbersen for relief from the front setback for a stockade fence at 8 Waverly Street with the condition the variance not exceed the encroachment of the nearest point of the house from Mansfield Ave. VOTING: 4 ayes; motion carried.

6. OTHER BUSINESS

None.

7. ADJOURNMENT

MOTION by Ron Gauthier, SECOND by Robert Walsh, to adjourn the meeting. VOTING: 4 ayes; motion carried.

The meeting was adjourned at 8:06 p.m.

RScty: M.E. Riordan

**VILLAGE OF ESSEX JUNCTION
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
December 18, 2007**

MEMBERS PRESENT: Tom Weaver (Chairman); Ron Gauthier, Robert Walsh, Mary Gauthier. (Bruce Murdough was absent.)
ADMINISTRATION: Jeff Arango, Development Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Tom Weaver called the meeting to order at 7 p.m. There were no comments from the public at this time.

2. ADDITIONS/AMENDMENTS TO AGENDA

None.

3. MINUTES

September 18, 2007

MOTION by Ron Gauthier, SECOND by Robert Walsh, to approve the 9/18/07 as written. VOTING: 4 ayes; motion carried

4. PUBLIC HEARING

The function of the Zoning Board as a quasi-judicial board and the hearing procedure were explained. Individuals to give testimony before the Board were sworn in.

Conditional Use application for a 1,400 s.f. addition to the existing Essex Rescue building at 1 Educational Drive in the R-1 and FP districts by Craig R. Butkus, Essex Rescue, Inc., agent for Union #46 School District, owner
Craig Butkus appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the proposal to expand the existing building at 1 Educational Drive occupied by Essex Rescue. The one story addition will be 1,400 s.f. on the north side of the building and will match the existing façade. The roof will extend within the northern limits of the building addition. The entry way will remain on the north side of the building with a sidewalk connection to the high school. There is a major sewer main in a 30' strip of land owned by the Village. The sewer main serves the Marvin Heights development. The proposed addition will encroach within three feet of the line. An agreement has been made allowing access to the line in the future. Also, the building foundation wall will be extended below the sewer main to prevent any disturbance of the building or line during excavation. The pipe will be replaced from manhole to manhole. Revised plans showing these items have been submitted by the applicant. The building addition will be in the Flood Plain district, but above the base flood elevation so no adverse impacts are anticipated. The Village is to be enrolled in the National Flood Insurance Plan following amendment of the necessary zoning regulations. The dumpster is screened and the applicant will submit a landscape plan.

APPLICANT COMMENTS

Craig Butkus agreed with the report from staff, commenting that Essex Rescue is excited about the ability to expand and remain at the present location.

Ron Gauthier asked if there will be garage space for the Essex Rescue trailer. Craig Butkus stated the trailer is stored in a building at the fairgrounds through the winter months. Tom Weaver clarified the addition is in the proposed location because this is the best available side of the building. The parking lot, a steep bank, and a driveway to the high school surround the building on three sides. Jeff Arango added the option of a second story addition was explored, but was not recommended due to the structure of the building and the type of building.

PUBLIC COMMENT

None.

MOTION by Mary Gauthier, SECOND by Ron Gauthier, to close the public portion of the conditional use application for Essex Rescue at 1 Educational Drive.

VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

Conditional Use application for a 1,400 s.f. addition to the existing Essex Rescue building at 1 Educational Drive in the R-1 and FP districts by Craig Butkus, Essex Rescue, Inc., agent for Union #46 School District, owner

FINDINGS OF FACT:

16. The subject property is on a portion of the 99.1 acres leased from Union #46 and located in the Residential-1 and Flood Plain district.
17. The owner of record is Union #46 School District and the Village of Essex Junction.
18. The building addition is 1,400 s.f. and one story on the north side of the existing building.
19. The building addition will match the façade of the existing building.
20. The building expansion will be above the base flood elevation of 325.2 feet.
21. The proposed lot coverage is 18.33%.
22. The building expansion will be 80' from the nearest property line.
23. The building addition will not exceed the height of the existing building.
24. The project will not result in an increase in traffic generation.
25. The plans utilized in the review of the project are entitled "Essex Rescue, Inc. Building Addition and Sewer Line Replacement" and were prepared by Champlain Consulting Engineers, dated 10/1/07. The plans include Sheets C1-C2. Building elevations, dated 11/6/07, were prepared by Michael Dugan, architect, and titled "Addition to Essex Rescue, Inc.", and include Sheet 1.
26. The Village Engineer and representatives from Essex Rescue state the project will not increase flood levels in the regulatory floodway, increase the risk of other hazard in the area or threaten the health, safety, and welfare of the public or other property owners.

27. The project is located in a regulated flood or other hazard area, does not conform to the bylaws pertaining to that area, and will be maintained at the risk of the owner.
28. There were no public comments for or against the application.

CONCLUSION:

1. Findings #1-#12 satisfy the conditional use criteria of Section 502.C(a-i).

MOTION by Mary Gauthier, SECOND by Ron Gauthier, based on the Findings and Conclusion to grant the conditional use request by Craig Butkus for a 1,400 s.f. addition as presented to the Essex Rescue building at 1 Educational Drive subject to the following conditions:

1. The plan of extending the building foundation to the level of the sewer pipe including replacement of the pipe shall be reviewed and approved by both sets of engineers (applicant's engineer and Village Engineer).
2. A landscape plan shall be submitted by the applicant and reviewed/approved by staff prior to the issuance of a Certificate of Occupancy.
3. Legal documents for the land transfer between the Village of Essex Junction and Union #46 School District shall be signed and recorded prior to the issuance of a zoning permit.
4. Comments from the Village Engineer and the engineer of record shall be addressed before approval of a permit.
5. The structure is located in a regulated flood plan, does not conform to the bylaws pertaining to that area, and will be maintained at the risk of the owner.

DISCUSSION: The Zoning Board reaffirmed the stipulations from the Planning Commission shall apply to the project.

VOTING: 4 ayes; motion carried.

5. OTHER BUSINESS

None.

6. ADJOURNMENT

MOTION by Ron Gauthier, SECOND by Robert Walsh, to adjourn the meeting.

VOTING: 4 ayes; motion carried.

The meeting was adjourned at 7:50 p.m.

RScty: M.E. Riordan