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**VILLAGE OF ESSEX JUNCTION
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
July 15, 2008**

MEMBERS PRESENT: Tom Weaver (Chairman); Ron Gauthier, Jim Moody, 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. The Board noted with regret that this is Jeff Arango's last Zoning Board meeting. Best wishes were extended to Mr. Arango in his move to the west coast.

2. ADDITIONS/AMENDMENTS TO AGENDA

None.

3. MINUTES

June 17, 2008

MOTION by Ron Gauthier, SECOND by Mary Gauthier, to approve the 6/17/08 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.

Variance application for relief of five feet from the side yard setback for a 12'x 21' addition to an existing garage at 14 Upland Road in the R-1 District by Kevin Joyce, owner

Kevin Joyce appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the request for a 5' variance for relief from the minimum side yard setback of eight feet in the R-1 District for a 12'x 21' addition to an existing single car garage. The proposed two-car garage will be 26' wide and three feet from the side yard so a variance of five feet is needed. Most of the houses in the district

have one-car garages.

APPLICANT COMMENTS

Kevin Joyce explained the house chimney is along the side wall of the garage and extends two feet into the existing garage space. The proposed structure will be a two-car garage. It is expected there will be two cars at the residence. Mr. Joyce said he asked the builder about the minimum size needed for a workable two-car garage. The builder indicated with two small cars adding 10' to the existing garage will work, but there would not be room on the side for tools and storage. Mr. Joyce asked if the garage can be deeper than 21'. Tom Weaver stated up to 40% lot coverage is allowed in the district. A typical garage is 24' deep. There will be one big garage door in the middle of the structure.

PUBLIC COMMENT

There were no comments.

MOTION by Mary Gauthier, SECOND by Jim Moody, to close the public portion of the variance application for a garage at 14 Upland Road. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

Variance, Garage, 14 Upland Road, Joyce

FINDINGS OF FACT:

1. The project site is located at 14 Upland Road in the R-1 District and has a lot size of 10,625 s.f.
2. Minimum lot size in the R-1 District is 15,000 s.f. Therefore the lot is a pre-existing nonconforming small lot.
3. The minimum side yard setback in the R-1 District is eight feet.
4. The proposed garage addition is 12' wide by 21' deep.
5. The proposed attached two-car garage is 26' wide and 21' deep.
6. The proposed garage addition will be three feet from the side property line.
7. There is a chimney that extends into the existing garage by two feet making the clearance of the 12'x 21' existing garage effectively ten feet.
8. There are other existing garages in the neighborhood which have been granted variances to encroach into the side yard setback.
9. The applicant does not intend to increase the curb cut, but will add an additional 12' wide paved area to the existing driveway.
10. The applicant has requested a variance of five feet from the minimum side yard setback of eight feet in the R-1 District

11. A reduction of two feet in the requested variance would still allow a reasonable use of the property.

12. The proposed addition cannot encroach more than three feet into the side yard setback.

13. The depth of the addition can be up to 30'.

14. There was no public comment for or against the application.

CONCLUSION:

1. Findings #1-#14 satisfy the variance criteria of Section 1703.C (1-6), and further, Criterion 5 is specifically satisfied by Findings #11, #12, & #13.

MOTION by Mary Gauthier, SECOND by Ron Gauthier, based on the Findings and Conclusion to grant a variance of three feet from the side yard setback for an addition to the existing garage at 14 Upland Road. VOTING: 4 ayes; motion carried.

5. OTHER BUSINESS

None.

6. ADJOURNMENT

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

The meeting was adjourned at 7:40 p.m.

RScty: M.E. Riordan