

**VILLAGE OF ESSEX JUNCTION
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
April 20, 2010**

MEMBERS PRESENT: Tom Weaver (Chairman); Ron Gauthier, Jim Moody,
Martin Hughes, Bruce Murdough.
ADMINISTRATION: Terry Hass.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Tom Weaver called the meeting to order at 7 p.m.

Audience for Visitors

Scott Stevens, 2 West Street, briefly explained his proposal to build a deck to accommodate his son in a wheelchair and on crutches for the next year. The deck would replace the stoop and might infringe on the right-of-way. Terry Hass noted if the deck is built where the steps are currently located the situation is not being made more nonconforming, but there most likely would not be enough deck space. Tom Weaver advised Mr. Stevens to submit a formal application for the project so there can be public comment.

2. ADDITIONS/AMENDMENTS TO AGENDA

Add discussion of signs under 'Other Business'.

3. MINUTES

December 15, 2009

MOTION by Ron Gauthier, SECOND by Jim Moody, to approve the 12/15/09 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 before the Board were sworn in.

Variance application for relief of side setback to relocate the garage and driveway, and relief to exceed lot coverage for existing buildings at 40 School Street in the R-2 District by Lori and Jon Houghton, owners

Lori and Jon Houghton appeared on behalf of the application.

STAFF REPORT

The Zoning Board received a written staff report on the application, dated 4/20/10. Terry Hass said the property owner is proposing to relocate the existing garage and driveway to create more green space. The relocated garage will be on the other side of the house and encroach less into the side setback. A waiver is needed for lot coverage because the maximum of 25% will be exceeded by 6.6%. The reason for the changes to the garage and driveway are safety, a shorter driveway, and to conform better to the neighborhood where most of the garages are closer to the side property line.

Tom Weaver asked if there will be an increase in lot coverage. Ms. Hass said there will actually be a decrease. There was discussion of setbacks. According to the Land Development Code for the first 15' the driveway must be eight feet from the side property boundary, but thereafter the driveway can be two feet from the side property line. It was calculated a variance of three feet is needed for the first 15' of driveway and a variance of 2'3" is needed by the garage. Ron Gauthier pointed out according to a survey done in 1994 the property line by the corner of the garage is two feet farther from what is shown so the variance would decrease to only three inches. In addition the lot is 10,303 s.f., not 10,265 s.f.

APPLICANT COMMENTS

Lori Houghton assured the garage can be moved three inches so a variance will not be needed. The existing lot coverage is 42.6% to be reduced to 41.8% by relocating the garage and driveway. Following further calculation (using the lot size of 10,303 s.f.) the lot coverage was determined to be 41.6%. The driveway percentage changes from 10.9% to 10%. Ms. Houghton stated the reason for the changes is to provide more yard space for the family. Jon Houghton added the existing driveway location makes it very difficult and dangerous to enter onto School Street with the traffic flow from Lincoln Terrace. The new configuration has the driveway removed from the intersection which is a safer situation.

PUBLIC COMMENT

It was noted an email from John Booth, dated 4/17/10, was received in support of the application.

Chris Halpin and Monika Baege, 38 School Street, spoke in support of the application.

There were no further comments from the public.

MOTION by Ron Gauthier, SECOND by Martin Hughes, to close the public portion of the variance application to relocate the garage and driveway at 40 School Street by Lori and Jon Houghton. VOTING: 5 ayes; motion carried.

DELIBERATION/DECISION

Variance, Relocate Garage and Driveway, 40 School Street, Houghton

FINDINGS OF FACT:

1. The subject property is located at 40 School Street in the R-2 District with a lot size of approximately 10,303 s.f.
2. Minimum lot size in the R-2 District is 7,500 s.f.
3. Owner(s) of record are Lori and Jon Houghton.
4. Section 619.C.2 of the Land Development Code requires a minimum side yard setback of eight feet for all structures.
5. The relocated garage will be no closer than eight feet from the northerly side line.
6. Maximum permitted lot coverage in the R-2 District is 40% and maximum permitted building coverage is 25%.

7. The building lot coverage is 31.5% (this will not change) and the driveway coverage is 10% for total lot coverage of 41.6%.
8. A variance for lot coverage is not necessary because this is a pre-existing nonconformance and the application will decrease total lot coverage.
9. The subject property has 69' of frontage on School Street.
10. It is common in the neighborhood surrounding the subject property for structures to be closer to the side property line than the minimum side setback of eight feet.
11. Testimony in support of the application by neighbors to the north and south was received.

CONCLUSION:

1. Findings #1-#11 support the variance criteria of Section 1703.C.

MOTION by Ron Gauthier, SECOND by Jim Moody, based on the Findings and Conclusions to grant a variance for relief from the side yard setback to relocate a garage and driveway at 40 School Street in the R-2 District by Lori and Jon Houghton. VOTING: 5 ayes; motion carried.

5. OTHER BUSINESS*Signs*

Tom Weaver mentioned the request for a variety of signs by the committee organizing a farmers market on Lincoln Place every Friday from 3:30 PM – 7 PM. Robin Pierce and Tom Weaver will review the sign requests to determine which requests can be granted administratively and which requests need to come before the Zoning Board.

Ron Gauthier asked about contractor signs posted on lawns long after work on the site is complete. Terry Hass said according to the regulations the signs must be removed three days after the issuance of a final occupancy permit. Typically the public works crew will collect the signs and the owner will be notified.

Reschedule Meeting

The meeting in May was rescheduled to Monday, May 24, 2010 at 7 PM.

6. ADJOURNMENT

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

The meeting was adjourned at 7:35 p.m.

RScty: M.E. Riordan