

**VILLAGE OF ESSEX JUNCTION
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
October 19, 2010**

MEMBERS PRESENT: Tom Weaver (Chairman); Ron Gauthier, Jim Moody,
Martin Hughes. (Bruce Murdough was absent.)
ADMINISTRATION: Robin Pierce, 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 audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

There were no changes to the agenda.

3. MINUTES

July 13, 2010

MOTION by Ron Gauthier, SECOND by Jim Moody, to approve the 7/13/10 minutes with the addition under 'Other Business' that a change in the meeting start time was discussed (new start time of 6 PM). VOTING: unanimous (4-0); motion carried.

4. REVIEW/SIGN ETHICS POLICY

Board members reviewed and signed the Ethics Policy document.

5. ELECTION OF OFFICERS

Chairman

MOTION by Jim Moody, SECOND by Martin Hughes, to nominate Tom Weaver as Chairman of the Essex Junction Zoning Board of Adjustment. There were no other nominations. **VOTING: unanimous; motion carried.**

Tom Weaver is Chairman of the Essex Junction Zoning Board of Adjustment.

Vice Chairman

MOTION by Jim Moody, SECOND by Martin Hughes, to nominate Ron Gauthier as Vice Chairman of the Essex Junction Zoning Board of Adjustment. There were no other nominations. **VOTING: unanimous; motion carried.**

Ron Gauthier is Vice Chairman of the Essex Junction Zoning Board of Adjustment.

6. 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 of four feet six inches (4'6") for an 11'8"x 26'2" addition to an existing garage at 28 Pleasant Street in the R-2 District by Nicholas and Bridget Meyer, owners

Nick Meyer appeared on behalf of the application.

STAFF REPORT

The Zoning Board received a written staff report on the application, dated 10/19/10. Robin Pierce reported he visited the property and observed it is typical in the neighborhood that buildings do not comply with setbacks. The applicant's proposed garage addition will be used for a work shop. The lot is large and lot coverage is well below the allowance of 40%. With the proposed addition lot coverage will only be 10.6%. The applicant provided photographs of the site.

APPLICANT COMMENTS

Nick Meyer stated the lot is large, but the buildings are skewed to one side of the lot. The proposal will essentially add a bay onto the existing garage. The same roof plane will be maintained. If the addition was built onto the back of the garage the roof elevation would be increased and it would not be aesthetically pleasing. The addition will accommodate a woodshop. Currently, the building is a one car garage and a finished guest room (13'x 22.5').

Tom Weaver asked if the addition could be on the other side of the finished room so a variance is not needed. Mr. Meyer said he would like to have the option to park two cars in the garage or to use the space for a workshop at times. Extending the guest room side of the building will not provide enough space between the house and garage for access. Also, the windows of the house will be impacted. Robin Pierce stated there is not enough space for two cars if the building is extended to the back of the lot either.

PUBLIC COMMENT

It was noted a letter, dated 9/15/10, in support for the proposal was received from the neighbor at 24 Pleasant Street (Van Buren). There were no other comments from the public.

MOTION by Ron Gauthier, SECOND by Martin Hughes, to close the public hearing on the application for 28 Pleasant Street. VOTING: unanimous (4-0); motion carried.

DELIBERATION/DECISION

Variance, Garage Addition, 28 Pleasant Street, Meyer

Tom Weaver commented locating the addition on the other side of the guest room precludes use as a garage due to access (cannot get around the house to access the garage). Also, the finished room is existing and it would be an unreasonable expense to move the room to allow a two bay garage. The applicant intends to use the additional space as a garage and shop. Mr. Weaver noted the site plan needs to show the correct location of the driveway before a permit is issued. Staff will instruct the applicant to revise the site plan to accurately show the driveway location.

FINDINGS OF FACT:

1. The subject property is located at 28 Pleasant Street in the R-2 District with a lot size of approximately 27,675 s.f.
2. The maximum permitted total lot coverage in the R-2 District is 40%; the maximum permitted building coverage is 25%.
3. The subject property has 135' of frontage along Pleasant Street.
4. Minimum lot size in the R-2 District is 7,500 s.f.
5. Section 619.C.2 of the Land Development Code requires a minimum side yard setback of eight feet for all structures.
6. The applicant is proposing to construct an 11'8"x 26'2" garage addition to the existing garage which will be 3.5' from the property line, a variance of 4.5'.
7. 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.
8. The right side of the existing garage is a finished room.
9. A letter, dated 9/15/10, in support of the application by the neighbor at 24 Pleasant Street (Van Buren) was received.
10. There were no other public comments for or against the application.

CONCLUSION:

1. Findings #1-#10 support the variance criteria of Section 1703.C.

MOTION by Ron Gauthier, SECOND by Martin Hughes, based on the Findings and Conclusion(s) to grant a variance of 4.5' for relief from the side yard setback for a garage addition of 11'8"x 26'2" to the existing garage at 28 Pleasant Street by Nicholas and Bridget Meyer. VOTING: unanimous (4-0); motion carried.

7. OTHER BUSINESS

Tom Weaver suggested the Planning Commission consider changing the regulations to allow garages inside the eight foot setback as a conditional use with conditions rather than requiring a variance because so many village lots are unique and/or narrow.

Robin Pierce noted accessory apartments that meet the setbacks and parking requirements can now be approved administratively.

8. ADJOURNMENT

MOTION by Ron Gauthier, SECOND by Martin Hughes, to adjourn the meeting. VOTING: unanimous (4-0); motion carried.

The meeting was adjourned at 7:40 PM.

RScty: M.E. Riordan