

**VILLAGE OF ESSEX JUNCTION
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
May 20, 2014**

MEMBERS PRESENT: Tom Weaver (Chairman), Ron Gauthier, Jim Moody,
Martin Hughes, Bruce Murdough
ADMINISTRATION: Robin Pierce, Community Development Director
OTHERS PRESENT: Aristotle and Emily Souliotis,

1. CALL TO ORDER AND AUDIENCE FOR VISITORS

There were no comments from the Audience

2. ADDITIONS/AMENDMENTS TO AGENDA

There were no changes to the Agenda

3. MINUTES

October 15, 2013

MOTION BY: Ron Gauthier, SECOND by Jim Moody, to approve the minutes as written.

VOTING: unanimous (5-0); motion carried

4. PUBLIC HEARING

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

Variance appeal for relief of the 20 foot front setback for a stockade fence located 10 feet from the front property line at 84 Main Street in the R-1 District, by Aristotle and Emily Souliotis, owners.

STAFF REPORT

The Zoning Board received a written staff report on the Application, dated 5/20/2014. Mr. Pierce explained the need for a variance because the fence does not meet the conditions set forth in Section 707.B.4 of the Land Development Code.

APPLICANT COMMENTS

Aristotle Souliotis stated that their property is subjected to lots of noise from truck traffic (using Jake Brakes) and lights from police cars and other vehicles exiting the police station across the street. By installing the fence they have somewhat alleviated these problems. He stated that the fence is 26 feet from the edge of pavement and 38 feet from the front of their house. He further stated it is 72 feet long and 6 feet in height. He said he was not aware that he was in violation of the ordinance when he installed the fence.

PUBLIC COMMENTS: There were no comments from the public.

MOTION BY: Ron Gauthier, SECOND by Martin Hughes, to close the Public Portion of the variance appeal for 84 Main Street.

VOTING: unanimous (5-0); motion carried.

DELIBERATION/DECISION

Variance relief from front setback, 84 Main Street

FINDINGS OF FACT:

1. The property is in the R1 District. Lot size is approximately 20,850 square feet.
2. Minimum lot size in the R1 District is 15,000 Square feet.
3. The stockade fence is 6 feet high, located 26 feet from the edge of pavement and behind the existing, low, stone wall. It is 38 feet from the front of the house.
4. The front yard setback requirement in the R1 District is 20 feet.
5. Section 707.B.1 of the Code allows a fence, not to exceed 6 feet high, to be located along all side and rear property lines.
6. Section 707.B.4 states that any non-transparent fence located in a front yard shall not exceed twenty-nine inches in height, unless it meets the front yard setback for the Zoning District in which it is located.
7. Appellant is requesting a variance from the front yard setback.
8. The fence, as constructed, does not interfere with sight distances and/or visibility requirements.
9. The fence shields the house from road noise and light pollution from the town/police offices.
10. There were no public comments

CONCLUSION: Findings of fact 1-10 satisfy the variance criteria of Section 1703.C items 1-6.

BASED ON THE FINDINGS OF FACT AND CONCLUSION:

MOTION BY: Ron Gauthier, SECOND by Martin Hughes, to grant the variance for relief from the 20 foot front setback for a 6 foot high stockade fence located 10 feet from the front property line at 84 Main Street.

VOTING: unanimous (5-0); motion carried

5. OTHER BUSINESS:

Ron Gauthier told the Board that he will not be seeking reappointment when his current term expires. All the members thanked him for his service and wished him well in the future. His logic and common sense are a valuable asset to the Board and the Village of Essex Junction and will be missed.

6. ADJOURNMENT: MOTION by Jim Moody, SECOND by Bruce Murdough to adjourn.

VOTING: unanimous (5-0); motion carried

The meeting was adjourned at 6:30 PM

Minutes respectfully submitted by Robin Pierce, Community Development Director

