

ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
MARCH 18, 1993

MEMBERS PRESENT: Bill Colbath, Bob Callan, Dean Trefethen,
Chris Jacobs, John Murphy,

ALSO PRESENT: Tom Clark, Steve Stancel

Bill Colbath, Vice Chairperson called meeting to order.

ITEM #1: New Business

It was agreed by the Zoning Board that nomination and election of a Chairperson would take place at the end of the meeting.

Dean Trefethen made the motion to accept the minutes of January 21, 1993 meeting.

Chris Jacobs seconded the motion.

VOTE U/A

ITEM 2: Old Business - None

ITEM 3: H93-2 Robert & Joyce Fudge (Applicant: Jack Wallace) 11 Reyners Brook Dr. a/k/a Assessor's Map A, Lot 47-10 zoned R-40 requests a variance from the terms of Article V, Section 170-16, Table of Dimensions Regulations, to maintain the roofed porch of a single family dwelling within approximately forty-six and one-half (46-1/2) feet of a front property line where fifty (50) feet is required.

Jack Wallace - Due to an unfortunate mistake, the building was placed closer to the lot line than ordinance calls for. 50' is the required setback and the addition of a porch made the house 46-1/2 feet from property line. This was due to an error in measuring from the wrong part of the road. When Mr. Clark made his inspection, he informed Wallace of the error and that a variance would be required to keep the porch. Wallace was not aware of the setback problem and that an as-built plot plan was required.

Tom Clark - The owners picked up the Building Permit and did not relay this information to the contractor.

Chris Jacobs - made the motion to accept the case.

Dean Trefethen - seconded the motion

U/A

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Dean Trefethen - asked Jack Wallace if he was involved in putting in the foundation.

Jack Wallace - answered no.

Steve Stancel - asked who was the contractor for the foundation.

Jack Wallace - Jack Baker from Barrington.

Bob Callan - Although the structure is there and it would be a big cost to correct, the other houses in that subdivision maintained the required setback. This house would make a big difference in the setback. There is a difference of feet not inches.

Chris Jacobs - Cited several other similar variance requests and the decisions that were made. This porch has a continuous roofline and although the hardship was created and not inherent in the land, questions what would be gained by tearing it down.

Bob Callan - Not suggesting that it should be ripped down however, feels that the Board should give close consideration to keeping within the ordinance requirements, otherwise future requests may make it difficult to do so.

Bill Colbath - Agrees. Asked Steve Stancel if the Planning Dept. has anything to offer.

Steve Stancel - Agrees with the Board, sees nothing to be gained by ripping off the porch.

5 CRITERIA

1. Applicant does face an unnecessary hardship because needless enforcement would have no public gain.
2. The variance will deliver substantial justice in that it allows properties (buildings) character to remain without disfigurement.
3. The variance will be in harmony with the spirit and intent of the zoning ordinance in that reasonable clearances from roadway will be maintained.
4. The variance will not result in a diminution of value of surrounding properties in that no evidence to the contrary is presented.

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5. The variance will be of benefit to the public interest. in that it will allow the house to maintain its design and therefore its value.

Chris Jacobs made the motion to grant the variance.

Dean Trefethen seconded the motion.

U/A with the following condition:

The porch shall have no future improvement or alteration other than building code requirements (for example, railing)

Nomination and election of Chairperson to the Zoning Board of Adjustments

Bob Callan nominated Chris Jacobs for Chairperson.

Dean Trefethen seconded the nomination.

No other nominations were presented.

VOTE: U/A

MEETING ADJOURNED