

ZONING BOARD OF ADJUSTMENT  
MINUTES OF MEETING  
OCTOBER 18, 1990

MEMBERS PRESENT: Randy Turner, Joyce Bowden, Bill Colbath,  
Dean Trefethen

ALSO PRESENT: Steve Stancel and Tom Clark

Meeting Brought to order at 7:05 PM.

NEW BUSINESS

Dean Trefethen made the motion to accept the minutes of the meeting of 9-20-90 as amended. (H90-15 William & Jan McMillan - Dean was in opposition to accepting the application.)

Bill Colbath seconded.

VOTE U/A

Joyce Bowden said a letter will be sent to Dave Anderson as his schedule has changed so that he is unable to attend any ZBA meetings.

H90-19 Nicholas Skaltsis - 400 Washington Street, A/K/A Assessor's Map G, Lot 19-C, zoned R-12, requests a variance from the terms of Article IV, Section 170-12 to establish a non-conforming use (Warehouse/Storage with Office).

Bill Colbath stepped down from this case.

Nick Skaltsis stated that this is the second time this building has come before the ZBA. It came before the Board for a Childcare Facility and later for a Laundry Center and Dry Cleaning Establishment. He said they will be using 50% of the variance as they will be putting in a laundry on the first floor. They have received site review approval providing they received a variance for the use of the basement.

Mr. Skaltsis said that he is the owner of the building and will be renting to many tenants and the uses may change. He would like broader language in the variance so he doesn't have to keep coming back before the Board when the uses change. Parking has been enlarged and he has made significant improvements. He stated that the use he is asking for is less intense than the previous drycleaning use.

Tom Clark said that he has a copy of the agreement for the parking.

Randy Turner made the motion to accept the case.

Dean Trefethen seconded.

VOTE U/A

Tom Clark stated that the variance was granted for a very specific use. A plumber can be looked at as a personal service.

Joyce Bowden asked Nick if he was asking for a Personal Service Establishment use?

Nick Skaltsis replied that he thinks that is what he has defined.

Joyce asked if he wanted to amend his request to Personal Service Establishment?

Nick Skaltsis stated that he will change his request from Warehouse/Storage with Office to Personal Service Establishment.

Mrs. MacVane, 374 Washington Street, asked what came under the heading of Personal Service Establishment.

Joyce read the definition.

Mrs. MacVane stated that she is not really against the use but because the neighborhood has many children and lots of traffic she is concerned and wants to see the building used properly.

Joyce Bowden stated that the plumber, who will be renting the basement, has 2 trucks and 3 employees and stores equipment. Workers might come in mornings and evenings to pick up supplies. A plumber, if he doesn't have a showroom, would fall under Personal Service Establishment.

Nick Skaltsis stated that people from Mineral Park will be running the laundromat.

Steve Stancel stated that the Planning Department has no problem with the Personal Service Establishment use.

#### CLOSE PUBLIC HEARING

#### 5 CRITERIA

1. The applicant does face an unnecessary hardship because the building was built prior to zoning, it is a commercial, non-conforming building in a residential zone.
2. The variance will deliver substantial justice as it allows reasonable and adequate use of the property.
3. The variance will be in harmony with the spirit and intent of the zoning ordinance as the uses prescribed under Personal Service Establishment lessen the non-

conformity.

4. The variance will not result in a diminution in value of surrounding properties as no evidence was presented.
5. The variance will be of benefit to the public interest because it is an appropriate use of the building and a service to local residents.

Dean Trefethen made the motion to grant the variance provided all previously granted variances are void and this variance supersedes all previous variances, and is for the whole building.

Randy Turner seconded.

VOTE U/A

GRANTED

H90-20 R. Craig Williams, 154 Middle Road, A/K/A Assessor's Map M, Lot 3, zoned R-40, request a variance from the terms of (1) Article X, Section 170-16 to construct an addition within Thirty-six (36) feet of a front property line where fifty (50) feet is required; and (2) Article X, Section 170-41.A, to increase a non-conforming structure.

Joyce Bowden stepped down from this case.

Bill Colbath chaired the meeting.

Craig Williams stated that the house was built in 1750 or 1760 and was owned by Benjamin Roberts. At that time the house was conforming and the road was just a cow path. He said that there are 46 acres of land with his property. The original veranda went out 36 feet. The veranda was torn down but the granite foundation is still there and parts of the bulkhead.

Tom Clark said there was a breakdown in communications when he came for a permit.

Craig Williams showed the Board a petition signed by neighbors who are in favor of granting the variance.

Randy Turner made the motion to accept the case.

Dean Trefethen seconded.

VOTE U/A

Mr. Williams showed the Board a grouping of pictures of the house and surrounding property. There is an old Locust tree on the property which would have to be disturbed if the Variance were to be denied.

Dean Trefethen asked if he was building a one-story addition with crawl space?

Mr. Williams said that he was. He stated that it would be approximately the same square footage as the original veranda which was longer and narrower.

Bill Colbath asked if because the pilings were there, an addition can be built on the same space.

Tom Clark stated it was Scott Woodman's opinion, but he is not sure this is the same thing.

Tom Clark stated he would bring the paperwork regarding this question to next month's meeting.

Craig Williams stated that there will be no impact on any of the neighbors.

Steve Stancel stated that the Planning Department does not have a problem with this case.

#### CLOSE PUBLIC HEARING

#### 5 CRITERIA

1. The applicant does face an unnecessary hardship because the home was constructed so long before zoning and the impact on setbacks is slight and less than the closest point of the structure.
2. The variance will deliver substantial justice because it allows reasonable serviceable expansion of living area.
3. The variance will be in harmony with the spirit and intent of the zoning ordinance because the spirit and intent is to allow for reasonable setbacks to avoid overcrowding and this addition will not encroach on any other property owner.
4. The variance will not result in a diminution in value of surrounding properties because no evidence was presented.
5. The variance will be of benefit to the public interest as it will enhance the architectural beauty rather than creating an imbalance.

Randy Turner made the motion to grant the variance.

Dean Trefethen seconded.

VOTE U/A

GRANTED

Randy Turner made the motion to adjourn.

Dean Trefethen seconded.

VOTE U/A

Meeting adjourned at 8:10 PM.