

Zoning Board of Appeals– Town of Spencer



Minutes

Zoning Board of Appeals
Tuesday, September 22, 2009
Conference Room A
Memorial Town Hall

The Meeting was called to order at 7:15 p.m.

Zoning Board of Appeals Members Present: Chairman Allan Collette, Clerk Pamela Crawford, Joanne Backus, and Albert Drexler (Alternate).

Zoning Board Member Absent: Delores Kresco.

Staff present: Adam Gaudette, ODIS Director.

New Business:

A. Special Permit – Elaine Green, 9 Park Street, Spencer. Application was submitted by Charles and Joanne Bromage of 25 Point Eastalee Drive, Spencer. The Clerk then read the brief. The applicants propose the alteration of a nonconforming building on a nonconforming lot by converting it to a single-family home and constructing an addition (two bedrooms, a patio, and a hallway) to the rear of the building. The applicants request a special permit under section 4.9.2.B.1 of the Spencer Zoning Bylaw. The property is located in the Village Residential Zoning District.

Mr. Collette asked the applicants to present any additional information on the application.

Mr. Bromage said the property has a building that used to have greenhouse attached. The addition will be built on the space that was used to house the greenhouse and will be attached to the rear of the existing building.

Referring to the plan, Mr. Gaudette described the existing building is 25' x 19' and is situated right on the street. The addition will be 24' x 16'.

Mr. Gaudette said according to Section 4.9.2.B.1 of the Spencer Zoning Bylaw which reads: A non-residential structure may be extended or altered such that the nonconformity is not increased or intensified upon issuance of a special permit by the Zoning Board of Appeals (ZBA), provided the Board makes a finding that such extension or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming structure. Thus, the addition must not encroach any further into setbacks. Based on the plan presented, the existing nonconforming structure is about a foot inside the setbacks. The maximum building coverage in Village

Residential lot is 25%. The lot contains 8,653 square feet. The existing building combines with the addition would be 12.7% of building coverage, well below the maximum.

Mr. Todd MacDonald, of 253 Main Street, is an abutter to the back of the property. He stated when the greenhouse was there, its rear portion was situated almost right on its property line. In the back, there is about 2 feet of landscaping from *the building's driveway to his property*. Also there is about 2 feet of landscaping from the front of the existing building to its property line. He is concerned that if the proposed addition is to be built on that space (greenhouse), it could possibly be encroaching on his property.

After Board members reviewed the plan, the following questions were asked of the applicants and Mr. Gaudette:

Ms. Crawford asked whether the applicants plan to construct a new driveway.

Ms. Bromage said that there is an existing driveway off on the side of the building. *There is no driveway at the rear of the property.*

Mr. Collette asked if the existing driveway could accommodate 2-car parking, and is there enough space for a vehicle to maneuver and exit out of the driveway?

Ms. Bromage said there is enough space to provide for 2-car parking, and also vehicles can maneuver and exit out of the driveway.

Mr. Drexler inquired about the distance of the setbacks (front and rear) to the property lines. He commented that the plan does not provide this information.

Mr. Gaudette said the expectation is that the addition would not be any closer to the property lines as shown on the plan. *He pointed out the boundary lines and the existing building on the survey plan.*

Ms. Crawford inquired as to the total square footage of the greenhouse, and when it was vacated.

Mr. Bromage stated the greenhouse was about 700 square feet in total. It was vacated late last year (2008), right after the major ice storm incident. There is a remaining stone foundation and a heating furnace left at that space.

Ms. Backus inquired about the total square footage of the existing building with the addition, also the total percentage of the building coverage.

Mr. Gaudette said the proposed addition with the existing building would be 1,099 square feet in total. The lot contains 8,653 square feet. The maximum building coverage in Village Residential is 25%. The proposed addition with the existing building would be 12.7% of the building coverage as mentioned earlier.

The Board was concerned that due to the lack of setback distance, the addition could be encroaching into the abutting property. Therefore the exact setback information is essential and the Board members do not wish to make a decision without knowing that. They also thought that a certified plot plan is needed.

The applicants said they have made an offer to purchase the property with an intention to build the addition. They then asked if they could inquire the owner to provide the certified plot plan. Their thought was if the property were to sell, the owner would have to provide the certified plot plan to the potential buyer.

Mr. Gaudette said the Board would not give any advice; the applicants would have to negotiate that with the owner. In addition, the applicants would have to submit a certified plot plan to the Building Inspector when they apply for a Building Permit. The property has an existing nonconforming use for a commercial flower shop/greenhouse, and if the applicants keep the use as it is without any change to the structure, then, by right it is allowed. However, the applicants propose to construct the addition that will alter the structure, thus it requires a special permit from the ZBA. At tonight's hearing, the Board requested a submission of the certified plot plan.

The Board thought is best to continue the public hearing. If the certified plot plan specifies the proposed addition and the existing building is to increase the setbacks (front and rear) from what is there now, then, the applicants need a variance, not a special permit.

Ms. Crawford made a motion to continue the public hearing to October 27, 2009 at 7:15 p.m. Mr. Drexler seconded the motion and the vote was 4-0 in favor.

Approval of Minutes: For August 25, 2009

Ms. Backus made a motion to accept the minutes for August 25, 2009. Ms. Crawford seconded the motion and the vote was 4-0 in favor.

Old Business: None

Other Business: None

At this time Ms. Backus made a motion to adjourn the meeting at 8:10 p.m. Mr. Drexler seconded the motion and the vote was 4-0 in favor.

Submitted By:

Bea Meechan, Senior Clerk, ODIS