



Zoning Board of Appeals – Town of Spencer

Minutes

Zoning Board of Appeals Meeting
Tuesday, July 14, 2015 at 7:15 PM
McCourt Social Hall
Memorial Town Hall

Zoning Board Members Present: Dee Kresco, Allan Collette, and Robert Emerson
Zoning Board Member Absent: None
Staff present: Monica Santerre-Gervais, Clerk & Larry Smith, Town Planner
Staff Absent: None

Mr. Emerson opened the meeting at 7:17pm

1. Open Meeting

2. Variance, 93 Pleasant Street/ Tebo:

Ms. Kresco read the application submitted: applicant John Tebo of 93 Pleasant Street Spencer, MA is requesting a Variance (section 7.3) under sections 5.1 (side setbacks) and 5.2 (lot coverage). The location of the property is 93 Pleasant Street in the zoning district suburban residential, Assessor's tax map number U21 parcel number 1, deed book reference 13893/ page 241. The description of the project is to add on a 440 sqft attached garage to the back of the home to store a classic car. Upon approval applicant would remove two sheds and one 24 x 8 car trailer to clean up the yard.

Mr. Emerson asked if there were abutters present and there were two direct abutters present.

Mr. Tebo addressed the Zoning Board to explain that he currently has an older car trailer that is used to keep his classic car in. The trailer is older and has rust and instead of buying a new trailer was hoping to add the garage to the back of his home to store the classic car and parts in. Mr. Collette asked where the shed was on the property. Mr. Tebo came up to explain the drawings and locations of trailers and shed. Mr. Tebo mentioned he was open to having a smaller garage.

Mr. Emerson told Mr. Tebo that the location and the lot size are too small and nothing complies with the Spencer Zoning Bylaws. Mr. Emerson asked if one of the driveways was two cars wide and Mr. Tebo said it could be. Mr. Emerson said he drove by the property and mentioned that the applicant has three driveways and if he was willing to remove a driveway. Mr. Tebo asked if that would make a difference and Mr. Emerson said yes because most of his lot is covered by impervious surfaces. Mr. Collette asked why there were three driveways. Mr. Tebo said that the one driveway was there when he bought the home and then he tarred his grassy areas. Mr. Collette asked how many vehicles he owned. Mr. Tebo stated that he had four registered vehicles and one expired trailer.

Mr. Emerson opened the meeting up to the abutters: Richard and Paula Konde were present and were okay about the applicant building the garage. Andrew and Leslie Aroian were present and were opposed to the project.

Ms. Aroian asked how far away the garage would be from the property line. Mr. Tebo said 7.4 feet but he was open to making the garage smaller to allow 10.4 feet to Ms. Aroian property line. Ms. Konde asked how far would it be from their property line and Mr. Tebo said over 25 feet. Mr. Konde asked what the height of the new garage would be and Mr. Tebo answered 14 ft to the peak and it would not go over the addition in the back of the home. Ms. Kresco asked if the garage was going to be one story and Mr. Tebo answered yes with no storage above. There were conversations between Mr. Tebo and Ms. Aroian in regards to the property line and fence.

Mr. Collette mentioned that the existing structures are illegal and Mr. Tebo said he would get rid of them if he can build the garage. Mr. Collette asked if there was any way the applicant can comply with section 5.1 or 5.2 to receive this variance. Ms. Aroian expressed that Mr. Tebo has come before the Zoning Board before and she felt that Mr. Tebo did things illegally and didn't comply with what he needed to do. (A short recess was taken so that previous files could be found.)

Mr. Collette asked if the home was a two family and Mr. Tebo said no. Mr. Collette read the application submitted in 1993. Mr. Tebo said the application was withdrawn without prejudice because the Zoning Board said no to the apartment, however, he was told he could add on an addition so that is what he did. Larry Smith asked if there are cars parked in all three driveways and Mr. Tebo said yes, one car in one driveway, two cars in one driveway, and one car and one trailer in the third driveway. Mr. Smith explained that a Variance is difficult to get and that Mr. Tebo's lot is too small for the garage. Mr. Smith addressed the abutters and asked what Mr. Tebo's trailer and shed is like now and if they think that the yard will change with the garage. Mr. Aroian said that Mr. Tebo's yard is quite a mess and they feel his yard will decrease the property value. Ms. Aroian said Mr. Tebo is a kind person that helps out but the garage would most likely only be a temporary fix. Mr. Aroian mentioned that Mr. Tebo rev's his cars and it was sometimes a nuisance. Ms. Aroian said that it was hard to pull out of Smithville Road because Mr. Tebo has too much stuff in his yard and close to the road to see. Mr. Collette asked Mr. Tebo worked on cars and he said no only his own car.

MOTION: Ms. Kresco motioned to end the discussion

SECOND: Mr. Collette

VOTE: 3-0

MOTION: Mr. Collette motioned to deny the applicant, John Tebo, the Variance at 93 Pleasant Street due to the following findings:

The Zoning Board could not find that Mr. Tebo qualified for section 7.3.2.A Owing to circumstances relating to the soil conditions, shape or topography of land or structures, and especially affecting such land or structures but not affecting generally the zoning district in which it is located, nor that a literal enforcement of the provisions of this by-law would involve substantial hardship, financial or otherwise to the petitioner or appellant; and section 7.3.2.B that desirable relief couldn't be granted without substantial detriment to the public good and without

nullifying or substantially derogating from the intent or purpose of this by-law.

SECOND: Ms. Kresco

VOTE: 3-0

3. Approval of Minutes:

June 23, 2015

MOTION: Ms. Kresco motioned to approve the minutes dated June 23, 2015 as submitted

SECOND: Mr. Collette

VOTE: 3-0

4. Adjournment: with no further discussion the meeting is adjourned

MOTION: Ms. Kresco motioned to close the meeting

SECOND: Mr. Collette

VOTE: 3-0

Submitted By: Monica Santerre-Gervais, ODIS Clerk

Approved by the Zoning Board of Appeals on **8/11/2015**

List of Documents used on July 14, 2015:

7/8/2015 ZBA mailing

Items mailed to ZBA members prior to meeting:

- Agenda
- Memo from Larry Smith, Town Planner dated 7/7/15
- Minutes from 6/23/2015
- Variance Application, plans, and documents for 93 Pleasant Street

Items submitted to ZBA members at the meeting:

None