

Woodstock Zoning Board of Appeals - Minutes

Tuesday, February 25, 2014

Public Hearing – 7:00 p.m.

Town of Woodstock Town Hall, Lower Level, Meeting Room B

I. Public Hearing

a. Call to Order – Meeting was called to order by Chairman Martin Nieski at 7:00 p.m.

b. Roll Call – William Brower, Suzanne Woodward, Robert Laurens, Ken Ebbitt, Martin Nieski
Others present: Stephen J. Adams. Absent: Tina Lajoie, ZBA Clerk

c. **14-02 Stephen J. Adams, 85 Loyola Rd, (Map 6393, Block 65, Lot 147) – relief from Article IV, B.1. vi. a & b (front and side setbacks) and Article IV, B.2. a. ii (Accessory apartment) and Article IV, B.2. a.v. (septic setback). Continued Public Hearing from January 28, 2014**

A letter was read for the record from abutting property owners, June and James Glaude. They are opposed to a variance approval and do not believe granting would be in the best interest of the neighborhood due to the small lot size. Mr. Adams addresses the board. He states he has IWWA approval for his proposal and that he would like to be a good neighbor to the Glaudes and respects their opinion. After careful consideration, based on his neighbor's concerns, Mr. Adams is requesting a withdrawal of his variance request for the accessory/in-law apartment. He still intends on having bedrooms, living area, walk-out basement for his family to use but will be able to achieve this goal without the area being classified as a separate unit and will actually be part of the single family dwelling. A formal letter of withdrawal for this portion of his application is presented to Chair Nieski at this time. For the record, Mr. Adams clarifies that his application for variance remains on the issues of front yard, side yard and septic system minimum setback requirements. Mr. Adams would be allowed to rebuild on the same foundation that is currently nonconforming as to the front and left side setbacks however, he wishes to make this his permanent home and would prefer a one-story structure that is lower profile rather than two stories. His letter is read for the record requesting withdrawal of accessory/in-law apartment request. Mr. Adams presents his hardship as being the lot is a pre-existing non-conforming smaller lot and also because of the slope that exists toward the lake. He does not wish to place the septic system any closer to the lake and should remain at a safe distance. This system has already been approved by NDDH and properly engineered for a five-bedroom house. There is a discussion on the current zoning regulations and the ability to have a second kitchen in a single family dwelling that is classified as a "summer kitchen". This would be Mr. Adam's intention with the lower level area to have two bedrooms, living room, bath and "summer" kitchen that is not separate and apart from the primary dwelling unit. After a short discussion, it is ZBA's opinion that should this be Mr. Adam's intent, the building inspector and zoning officer will have to be the ones to oversee and approve as such. (It is noted for the record that Mr. Brower recused himself from this application at the last public hearing and this is continued on to this evening's discussions.) No additional questions from PZC at this time.

MOTION TO CLOSE THE PUBLIC HEARING ON 14-02 BY ROBERT LAURENS, SECONDED BY KEN EBBITT. MOTION CARRIED. Mr. Brower abstains. (7:18.P.M.)

MOTION BY SUZANNE WOODWARD TO ACCEPT MR. ADAM'S LETTER OF WITHDRAWAL ON ART. IV., B.2.A.ii (Accessory apartment), SECONDED BY KEN EBBITT. MOTION CARRIED. Mr. Brower abstains.

II. Monthly Meeting

III. Designation of alternates - None

IV. Review of minutes – January 14, 2014

MOTION BY SUZANNE WOODWARD TO APPROVE THE MINUTES OF 01-14-2014, SECONDED BY WILLIAM BROWER. MOTION CARRIED UNANIMOUSLY.

V. **Unfinished Business**

14-02 Stephen J. Adams, 85 Loyola Rd, (Map 6393, Block 65, Lot 147) – relief from Article IV, B.1. vi. a & b (front and side setbacks) and Article IV, B.2. a. ii (Accessory apartment) and Article IV, B.2. a.v. (septic setback).

After careful consideration and discussion, ZBA recognizes that Mr. Adams does have the right to rebuild on exactly the same foundation however this proposal is increasing the overall non-conformity with the setback of 10 feet on both sides, particularly on the right side. The lot is only 100 foot in width. Mr. Adams is not receptive to leaving out the garage from his overall plan. He would like to have his cars garaged. Mr. Adams respectfully asks that the Board address and vote on each request separately so the record is clear and that if he is allowed at least some consideration, he can reconfigure his plan accordingly.

MOTION TO GRANT THE VARIANCE – RELIEF FROM FRONT SETBACK (Art. IV, B.1. vi.a) OF 75 FEET MINIMUM TO 20 FEET, BY KEN EBBITT, SECONDED BY ROBERT LAURENS. William Brower abstains. MOTION CARRIED.

MOTION TO GRANT THE VARIANCE – RELIEF FROM SIDE YARD SETBACK OF 20 FEET MINIMUM TO 10 FEET ON BOTH SIDES BY SUZANNE WOODWARD, NO SECOND. (Motion failed.)

Mr. Adams asks if the Board would entertain consideration of the variance on one side of the property and not on the other and this request was denied by ZBA.

MOTION TO DENY THE VARIANCE – RELIEF FROM SIDE YARD SETBACK (Art. IV, B.1. vi. b.) OF 20 FEET MINIMUM TO 10 FEET ON BOTH SIDES BY SUZANNE WOODWARD, SECONDED BY ROBERT LAURENS. ROBERT LAURENS IS OPPOSED. MOTION CARRIED 3 TO 1.

MOTION TO APPROVE RELIEF FROM SEPTIC SETBACK (ART. IV, B.2. a.v.) WITH 21'.3" ON ONE SIDE AND 11' 3" ON THE OTHER SIDE. BY SUZANNE WOODWARD, SECONDED BY ROBERT LAURENS. MOTION CARRIED. William Brower abstains.

VI. **New Business – None**

VII. **Other**

VIII. **Correspondence & Bills**

Stonebridge Press Invoice – Legal ads for Adams and Linemaster \$88.20 (Bill is signed to be paid)

IX. **Citizen's Comments – None**

X. **Adjournment – 7:46 p.m.**

MOTION TO ADJOURN BY ROBERT LAURENS, SECONDED BY SUZANNE WOODWARD. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted,

Tina M. Lajoie, Clerk
Zoning Board of Appeals

(Note: These minutes were completed by the Clerk with the use of the audio recording.)