

HAMILTON ZONING BOARD OF APPEALS

MINUTES

Memorial Room 299 Bay Road.

September 6, 2017

Members Present: Bill Bowler (Chairman), Kim Dietel, and John Rodenhizer.

This meeting was called to order by Bill Bowler at 7:00 pm with a quorum established.

Approve Minutes

Motion to approve the open session minutes of August 2, 2017 made by John Rodenhizer.

Seconded by Kim Dietel.

Vote: Unanimous in favor.

Motion to approve the Executive Session minutes of August 2, 2017 made by John Rodenhizer.

Seconded by Kim Dietel.

Vote: Unanimous in favor.

Public Hearing for 10 Maple St. Section 4.1.2. Dimensional Requirement Relief.

The petitioners proposed to enlarge an original pantry to create a room for a hospital bed and books. The addition would be 10' away from the rear lot line and 13' from the side lot line. According to the petitioner, the neighbors behind and to the side approved of the change.

Bill Bowler said there was a point on the existing dwelling that showed it was 11.9' from the side lot line. The new bulkhead would encroach but was already non-conforming. Mr. Bowler explained that there was a different rule for extending a non-conformity, which was easier than a variance. If an applicant was a distance from the side lot line and a proposed addition did not get closer to the side lot line, even if it did not meet the 15' setback, the proposal was generally allowable. The existing rear setback was 18' from the lot line, but the proposal would decrease the distance to 10'. Bill Bowler said the legal standard for granting a variance was that the Board had to find that there was a hardship that affected the shape, topography, or soil conditions of the lot but did not affect other lots in the area. Mr. Bowler thought it would be difficult to determine a hardship that affected this lot that wouldn't affect the other lots in the neighborhood.

Kim Dietel said she did not have a problem with the side setback but the back extension seemed like a big change. John Rodenhizer said that the Board typically did not have a problem as long as the petition did not increase the non-conformity. Mr. Rodenhizer suggested alternative additions that would not increase the non-conformity but the applicant did not agree with alternates due to parking, septic, cost and wood lot storage issues. Mr. Rodenhizer stated that the ZBA had not granted anything that changed a property from conforming to non-conforming. Bill Bowler added that historically, the Board had been reluctant to grant variances. The petitioner said he had Chron's disease and was planning ahead.

Bill Bowler noted the concept raised by Kim Dietel. Since the garage was 12.4' from the rear line, it could be considered the distance set for the non-conformity rather than the distance to the house. The addition could be 12' from the lot line, reducing the proposed addition by 2'4". Mr. Bowler suggested that the ZBA continue the hearing to the next month and the applicant would meet with the designer to come up with a new plan, which the Board would review. The plan would show an addition no closer than 11.9' to the side lot line and no closer than 12.4' to the rear lot line. Mr. Bowler thought the Board would be willing to grant the petition based on a revised plan that showed those setbacks.

The next meeting was scheduled for October 4, 2017 and the Board would like to have the plan a week before the meeting so they had a chance to review it. The Board needed a site plan. The hearing was continued until October 4, 2017 at 7:00 pm.

Adjournment

Motion to adjourn made by John Rodenhizer.
Seconded by Kim Dietel
Vote Unanimous to adjourn at 7:32 pm.

Prepared by:

Marcie Ricker

Attest

Date