

## MONT VERNON ZONING BOARD OF ADJUSTMENT

## PUBLIC HEARING VIA ZOOM CONFERENCE

Tuesday, October 20, 2020

## AGENDA

7:00 PM Case 2-2020 Meghan &amp; Nathan Harvey, 1 Purgatory Road

Application for Variance and Special Exception

**Seated:** David **Sturm**, Chair; Steve **O'Keefe**; Charles Schuessler**Present:** Tony **Immorlica****7:00PM**

Meeting called to order via zoom conference by David **Sturm**, Chairman. Roll call was taken. **Sturm** opened the public hearing. Present via zoom were the applicants Meghan and Nathan Harvey. **Sturm** went over the process of the hearing and explained that due to recusal and illness, there are only three zoning board members present. He offered the applicants the opportunity to postpone to a later date when there would hopefully be four or five members in attendance. The Harvey's chose to move forward. They presented their plan to add a 2-story bonus room onto the back of their house in order for her to run a child care business. There are 2 Options presented; they wish to use Option #1 which goes to the north and east of the house up the hill of Rte. 13. She wants to take on 5 children in total. Their parcel lies within District 5, which has setback requirements for all land bordering Rte. 13 to a depth of 200'. Their house sits 74' off of Rte. 13. They need a variance granted in order to add on the bonus room. She explained that there is already an addition on half of the back of the house; a mudroom and a third bedroom. There is no heat in these two rooms. They want to add the bonus room to square off the back of the house and be able to put heat into the mudroom and third bedroom as well. This will increase the value of the property. It will benefit the Mont Vernon parents to have child care available. The town currently has no preschool options available. She currently has 15 people on a waiting list, all Mont Vernon residents. Their house is on the route to the Mont Vernon Village School which will be very convenient for parents. **O'Keefe** voiced his concerns over the proximity to Rte. 13 especially if she is going to be operating a child care operation. He asked about any safety mechanisms to be put in place. Harvey explained that she will be licensed through the state so there will be a fence. The children will not be anywhere near the roads. She will be following all safety protocol required by the state. **O'Keefe** asked about water use for the daycare. Harvey said they had the septic system checked and they are cleared. There would not be much more use other than hand washing. **O'Keefe** spoke about the extra traffic with vehicles pulling and out in proximity to Rte. 13 and Rangeway Road. He stressed the need to keep everything well mowed and cleared. **Sturm** asked what the maximum number of children would be. She responded that five children would be the maximum without hiring an employee. The state requires 40 square feet per child. **Sturm** opened the hearing up to the public. Jill Camitta, 17 Kittredge Road; Ana Barrett, 28 S. Main; Christie West, 4 Purgatory Road and Nancy Tichanuk, 4 Rangeway Road all spoke in favor of the applicant. There was no opposition from the public.

**7:45PM****Sturm** close the testimony and moved the Board into deliberation. They first addressed the**Special Exception:**

**Sturm** asked if this will adversely affect the neighborhood. **O'Keefe** agrees with the folks testifying that it will be a nice compliment to the town. The Board agrees that this will not be a nuisance or serious hazard to vehicles or pedestrians. The Board agrees that there are adequate and appropriate facilities that will be provided for the

proper operation of this proposed use. The Board feels that this use will not be seriously detrimental or offensive to owners of adjoining properties nor would it tend to radically reduce property values of adjoining properties.

**O'Keefe** motioned to approve the Special Exception for a home child care operation at 1 Purgatory Road with the following conditions:

- I. 1) Proper fencing be installed surrounding the area for children to prevent access to area roadways to maintain safety
- II. 2) Proper clearing/mowing of the driveway area to allow line of sight distance for folks traveling on roadways

**Schuessler** seconded that motion. All in favor, motion passed. Special Exception granted.

### Variance

- I. 1. Variance is not contrary to the public interest.

**Sturm** feels that we heard testimony that this will be in the public interest because it will provide a service that is not currently available and is needed. **O'Keefe** and **Schuessler** concur.

- I. 2. Spirit of the ordinance is observed.

**Sturm** feels we heard nothing contrary to the spirit of the ordinance in the testimony. **O'Keefe** and **Schuessler** concur.

- I. 3. Substantial justice is done.

**O'Keefe** believes substantial justice will be done if we grant the variance. **Sturm** and **Schuessler** concur.

- I. 4. Values of surrounding properties are not diminished.

The Board agrees that the values of surrounding properties will not be diminished.

- I. 5. Literal enforcement of the ordinance would result in unnecessary hardship.

**O'Keefe** feels it would cause an undue hardship to not grant the variance. They have rights to their property and it is not their fault that they are within this setback on Rte. 13. **Sturm** agrees; this house was built in 1790. Our zoning ordinance went into effect in 1970's.

**O'Keefe** motioned to grant the variance as stated in the application for Option #1, seconded by **Schuessler**. All in favor, motion passed. Variance granted.

### **8:15PM**

**Immorlica** joined the Board in reviewing the minutes of 10/15/19 and 4/7/20. **Immorlica** motioned to approve the minutes of 10/15/19 as written, seconded by **O'Keefe**. All in favor. **O'Keefe** motioned to approve the minutes of 4/7/20 as written, seconded by **Immorlica**. All in favor. The public hearing was concluded.

Respectfully submitted,

Joan Cleary

Administrative Assistant