

## MONT VERNON ZONING BOARD OF ADJUSTMENT

## PUBLIC MEETING

Tuesday, October 15, 2019

**AGENDA**

7:00 PM Case 2-2019 Anthony Albright, 60 Kendall Hill Road

Application for Variance

**Seated:** Sheila **Sturm**, Steve **Workman**, Marjean **Workman**, Tony **Immorlica**, Al **MacGillivray****Absent:** David **Sturm****7:00 PM**

Meeting called to order by Sheila **Sturm**, Chairman. Roll call was taken. The Board reviewed the minutes from July 16, 2019. Al **MacGillivray** motioned to accept the minutes as written seconded by Marjean **Workman**. Four in favor, one abstention; the motion passed. The Board then voted on elected positions on the Board. **Sturm** nominated Steve **Workman** as Chairman effective immediately, seconded by **MacGillivray**. Four in favor, **Workman** abstained. The motion passed.

**7:10 PM**

**Workman** opened the public hearing. Present was Tony Albright, 60 Kendall Hill Road as well as Gary Thomas, Mill Point Construction. **Workman** went through the hearing procedure. Albright explained that he moved to town about six months ago and bought one of the original Grand Hotel cottages that was moved to Kendall Hill Road. He loves the history and character of the home; there just isn't a lot of storage options. He wanted to build a detached 2 car garage w second floor storage. He hired Gary Thomas to help him design something to match with the style of the house. They found out early on that they were going to have a problem with the location of the well. It happens to sit in the only spot that would allow them to build without being within the 30' setback. He had the property surveyed and they were able to reposition it on the property so that it's within 18'- 20' of the side property line. They would encroach by about 8' – to 10' on a 30' setback. He produced a full plan set for the Board to review. The back portion of the lot slopes steeply and is wet. The well head stands two feet up out of the ground; it is maybe 50'-56' from the property line. That leaves roughly 26' from the setback to the well head. They need to leave space to be able to access the well pump and by code they need to keep footings at least 5' away from the well head. They tried a bunch of different layouts; there is no room for back up and turn radius points. There is no other practical place to put the garage. Abutter Stelian Grosu, 62 Kendall Hill Road, was present and in favor of the project. Abutter Thomas McLeod, 59 Kendall Hill Road was also present. He agrees that this is the only practical place for the garage. If it was up by the road he would object; but it is back as far as it can go practically. He feels that it will be an improvement to the neighborhood and is in favor of the project. There was no opposition to the project.

**7:30 PM**

**Workman** closed the public portion of the hearing. Discussion on the variance test:

**1) Special Circumstances** - Given the topography, the location of house, well and leech field along with the testimony of the applicant, architect and abutters, **Sturm** feels this is a reasonable use of land and to deprive such use would impose a hardship. She feels the applicant meets the test. **Immorlica** disagrees. We don't have a depiction of where the wetlands are; he hasn't heard any reason why this could not be located outside the setback. He does not see where the hardship is. **MacGillivary** does see a hardship. The only way to change this would be to move the well; moving the well would indeed be a hardship. Marjean **Workman** does not see a hardship; she thinks there is another way to put the garage in. Steve **Workman** does not see a hardship. He feels they can move it off the lot line just enough.

**2) Reasonable Use of Land** – **Sturm** feels the minimum variance granted would grant reasonable relief to the owner and is necessary for reasonable use of the land or building. She feels he has met that test as well for the same reasons just articulated; building a two car garage is a completely reasonable use.

**3) Granting the variance will be harmony with the general purposes and intent of this ordinance** –

**Sturm** feels that he meets this as well; we have had no evidence submitted by anyone in opposition that it would be injurious or otherwise detrimental to the public welfare. The abutters are in agreement. The encroachment is minimal. **Immorlica** agrees.

**Sturm** motioned to close the discussion and vote under RSA 674.33.

- 1) The variance will not be contrary to the public interest. Unanimous vote yes.
- 2) The spirit of the ordinance is observed. 4/1 vote yes.
- 3) Substantial justice is done. Unanimous vote yes.
- 4) The values of surrounding properties are not diminished. Unanimous vote yes.
- 5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. 3/2 vote yes.

**MacGillivary** motioned to call for a vote seconded by **Sturm**. 3/2 vote yes, variance granted.

**Workman** noted that there is a 30 day appeal period. The public hearing was concluded.

### **8:15 PM**

As there was no further business before the Board, **Sturm** motioned to adjourn seconded by **MacGillivary**. All were in favor, the motion passed.

Respectfully submitted,

Joan Cleary, Administrative Assistant

-

-

-