MONT VERNON ZONING BOARD OF ADJUSTMENT

**PUBLIC HEARING VIA ZOOM CONFERENCE**

**Tuesday, July 20, 2021**

**AGENDA**

 7:00 PM Case 5-2021 Christie West, 4 Purgatory Road

 Application for Variance

**Seated:** David **Sturm,** Steve **O’Keefe**; Jason **Johnson,** Charles **Schuessler**

**Present:** Tony **Immorlica**

**7:03 Pm – Case 5-2021**

Meeting called to order by David **Sturm,** Chairman. Roll call was taken. **Immorlica** recused himself as he is an abutter to the applicant. **Sturm** opened the public hearing on Case 5-2021. Present was the applicant, Christie West. **Sturm** explained the process of the hearing and turned the floor over to the applicant. Christie West is requesting a Variance to be permitted to build a front landing with a roof, the same size as the prior stone steps on the street front entrance of the house. This leaves 18’6” to the road, but is the same as it has been for many years. Our zoning calls for 50’ of front setbacks. There were always stone steps but not a roof cover. She plans to make the entire first floor of her house ADA compliant and seeks to build a screened side porch with an exit from a bedroom on the first floor. This will leave 25’ to the side property line, not 30’ as required by our side setbacks. The porch will run the length of the house and be a maximum of 9’ deep due to the location of her wellhead. West stated that this will not be detrimental to the public. It promotes safety to the main entry of the house; safety with another access point and there is not much ADA housing available in small towns, especially with older houses. It serves the town well as a community to have housing that is compliant for handicapped people. There is a horse-riding arena between her and the neighbor; this adds approx. 60 feet more from the side property line between their houses. She feels this project will increase the value of not only her property, but also of the surrounding properties. She feels that substantial justice will be done by granting this variance. She travels a lot for work and in the winter, she often comes home to a 5’ snowdrift in front of her house and she cannot get in her front door. She plans to install a heated floor on the porch so the snow will melt away and she will be able to pull up and use her front door. She feels that her proposed usage is reasonable. Alyson Miller, 17 Harwood Rd., Nathan Harvey, 1 Purgatory Rd. and Miriam Ball, 3 Sean Drive all spoke in favor of the project. Tony Immorlica, 6 Purgatory Rd. does not object to the project. He stated that he never did survey his property so he is not sure where the exact property line is. He does have concerns with the utility driveway; he does not want to have any erosion into his riding ring and asks that she makes sure it is properly graded. West plans to dig a ditch down the side property line for water runoff. Immorlica would like to see a natural barrier of vegetation along the side line. **O’Keefe** suggested that they get a survey done to establish the actual side property line to avoid any dispute with future owners should either property ever sell. **Johnson** asked if there was a separate permit pulled for the utility driveway; West said yes, she obtained a driveway permit. **Sturm** closed the public testimony and moved the Board into deliberation. **O’Keefe** feels the variance will not be contrary to public interest and that the spirit of the ordinance is observed in that she is trying to make sure there is a proper buffer between neighbors, is making sure there is a defined property boundary and that people aren’t building too close to it. Substantial justice will be done by granting the variance by allowing her to make improvements to her property. The values of surrounding properties will be increased by having a more visually appealing home in the neighborhood. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship. He feels this is a reasonable request. He also feels that she could be granted under the Variances for Disabled under Paragraph 5. **O’Keefe** motioned to accept the application and approve the application for Variance with the following stipulations:

1. A natural buffer will be built between her property and the neighbor at 6 Purgatory Rd, Map 10-3, to prevent runoff.
2. The side porch will be built no greater than 9’ in depth and will run the length of the house.

The Board voted unanimously (4-0) to grant the Variance.

**7:45 PM**

**Immorlica** rejoined the Board. The Board reviewed the minutes from 4/20/21. **O’Keefe** motioned to approve the minutes of 4/20/21 as amended seconded by **Johnson.** All in favor. Joan will order new ZBA Handbooks for the Board.

**8:00 PM**

As there was no further business before the Board, **O’Keefe** motioned to adjourn seconded by **Johnson.** All in favor.

Respectfully submitted,

Joan Cleary

Administrative Assistant