

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

May 4, 2010

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Taylor Conard at 7:30 p.m. On roll call the following members are present: Taylor Conard, Michelle Granger, Paul Lunde, Kevin Veitch, Stanley Weeks, and Joseph Szpak, Alternate.

April 6, 2010 MINUTES

MOTION: P. Lunde

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of April 6, 2010, as submitted.

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

NEW BUSINESS

CHRISTOPHER LAMICA – Area Variance, Case #841

Braim Road

Christopher Lamica is present. T. Conard reviews that the applicant would like to have an agricultural use to raise chickens for himself. This is in the LDR District which allows this use if the lot is 20 acres, or with a site plan review if the lot is 6 to 19 acres. The use is not allowed on less than 6 acres. The applicant has .90 acres, he needs a variance of lot size, and he has 130' of frontage and 250' is required. T. Conard states that he would like to see where surrounding homes are and the distances to those.

RESOLVED – C. Lamica, Area Variance

MOTION: P. Lunde

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Christopher Lamica for area variances for property located at 997 Braim Road, TM#139.-1-45, and sets a public hearing for June 1, 2010 at 7:30 p.m. contingent upon:

- **Receipt of additional information regarding the surrounding homes and the distances to those by May 18, 2010**

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

J. TABOR ELLSWORTH – Area Variance, Case #843

Wilton Road

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J. Tabor Ellsworth is present. T. Conard reviews that the applicant would like to have a variance for a sign for a farmstand. The farmstand will require site plan review.

RESOLUTION – J. T. Ellsworth, Area Variance

MOTION: P. Lunde

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of J. Tabor Ellsworth for an area variance for property located at 236 Wilton Road, TM# 139.-1-2.2 and sets a public hearing for June 1, 2010 at 7:30 p.m.

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

RODNEY & MARYBETH RENN – Area Variance, Case #844

Greenfield Manor Road

Marybeth Renn is present. The applicants would like to install a 33' above ground pool. The lot is pre-existing, non-conforming, 1.07 +/- acres in the LDR District. An area variance for rear yard setback is required of 51 feet. M. Granger asks if the deck is existing. M. Renn states that it is. S. Weeks states, while this new round of applicants is here, that he has been disappointed that he cannot find the signs that applicants are asked to post prior to the public hearings. He indicates that the applicants are provided a sign and the Board would like those to be placed where it is readable from the street.

RESOLUTION – R. & M. Renn

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals accepts the application of Rodney and Marybeth Renn for an area variance for property located at 4 Greenfield Manor Road, TM#112.-1-72 and sets a public hearing for June 1, 2010 at 7:30 p.m., contingent upon:

- **Receipt of additional information regarding distances to homes on the three lots to the rear of the subject parcel**

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

PAUL & PATRICIA BAKER – Area Variance, Case# 845

Boyhaven Road

Paul and Patricia Baker are present. T. Conard states that the applicants are seeking an area variance for a front setback of 15 feet. T. Conard states that the new porch will extend out to the end of the existing stairs. Paul Baker states that there are no homes within the 500' of his property. K. Veitch asks if the steps are considered part of the existing structure. He questions that the new deck will be extending out the same distance and it is a pre-existing, non-conforming structure. He states that he would like feedback from G. McKenna on this. T. Conard asks the applicant if there are going to be steps off the front. Paul Baker states that they will be off the side. He states that the proposed deck will be the same distance that the existing deck is.

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RESOLUTION – P & P Baker, Area Variance

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Paul & Patricia Baker for an area variance for property located at 3550 Boyhaven Road, TM#149.-1-39 and sets a public hearing for June 1, 2010 at 7:30 p.m. The Board would also request a review of this application by the Building Inspector.

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

MICHAEL MANEY – Area Variance, Case #846

Locust Grove Road

Michael Maney is present. T. Conard reviews that the applicant is seeking a lot size and frontage variance for a Type 1 Home Occupation. The applicant will be buying/selling firearms, and/or repairing them over the internet and/or mailorder. M. Granger states that there is a copy of the DBA in the file but she would like to see a copy of the actual license.

RESOLUTION – M. Maney, Area Variance

MOTION: K. Veitch

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals accepts the application of Michael Maney for area variances for property located at 35 Locust Grove Road, TM#152.-1-42 and sets a public hearing for June 1, 2010 at 7:30 p.m., contingent upon:

- **Receipt of a copy of the Federal license**

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

CHRISTOPHER AND DEBORAH ATTEY - Area Variance, Case #847

Bockes Road

Christopher Attey is present. T. Conard states that the applicant would like an area variance to build a garage. C. Attey states that he would like to revise his request and have the garage 15' from the property line. P. Lunde questions that there are no buildings on the right side of the property. C. Attey explains that there are wetlands and an easement for a road. K. Veitch asks about homes to the left of the subject parcel.

RESOLUTION – C & D Attey, Area Variance

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals accepts the application of Christopher and Deborah Attey for an area variance for property located at 139 Bockes Road, TM#137.-2-19.13 and sets a public hearing for June 1, 2010 at 7:30 p.m., contingent upon:

- **Receipt of distances to structures on neighboring property to the west**

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VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks
Noes: None

GUY & HELEN MASTRION – Area Variance, Case#848

Granite Lake Drive

Guy Mastrion is present. The applicant is seeking an area variance for horses on a property that is for sale. G. Mastrion states that they have had a couple of people interested in the property if they can have horses. M. Granger asks where a stable might be built. G. Mastrion explains that the only place to put one would be to the rear of the property as that is the flat area. K. Veitch asks if the applicant has a contract. G. Mastrion states that he does not have a contract but has had inquires by two potential buyers. K. Veitch explains that the variance is only good for 1 year and usually it is the potential buyer who is applying. The Board would like to see the distances to neighboring structures. T. Conard states that over 5 horses would require a Site Plan Review by the Planning Board. He states that the ZBA may want to try to limit the number of horses for this variance. G. Mastrion states that this is a relatively small lot so he does not believe that there is the expectation for a lot of horses here.

RESOLUTION – G. & H. Mastrion, Area Variance

MOTION: K. Veitch

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals accepts the application of Guy and Helen Mastrion for an area variance for property located at 8 Granite Lake Drive, TM#152.-1-85 and sets a public hearing for June 1, 2010 at 7:30 p.m., contingent upon:

- **Receipt of distances to structures on neighboring properties**

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks
Noes: None

CYNTHIA GIRARD – Area Variance, Case#849

Spier Falls Road

Cynthia Girard and Bill Flansburg are present. T. Conard reviews that the applicant would like to replace an existing mobile home recently damaged by fire with a new home. The new home is slightly larger than the existing one. The applicant needs a front setback and a right side yard setback variance. P. Lunde questions that the math does not add up on the plans. B. Flansburg states that the new mobile home will be 28 x 54. The applicant will look at the plans and provide the information prior to the next meeting. P. Lunde asks if the home was totally destroyed. C. Girard states no, but that there was too much interior damage to save it.

RESOLUTION – C. Girard, Area Variance

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals accepts the application of Cynthia Girard for area variances for property located at 170 Spier Falls Road, TM#112.-1-11.2 and sets a public hearing for June 1, 2010 at 7:30 p.m., contingent upon:

- **Clarification of discrepancy on map**

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VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks
Noes: None

OLD BUSINESS

JOHN & SARAH SMACK – Area Variance, Case#839

Larkspur Court

Kurt Heiss, Tommell & Assoc., and John Smack are present for the application. T. Conard reviews that the garage was built roughly 2' too close to the property line. A public hearing is opened at 8:05 p.m. John Smack, the applicant, states that he hired a general contractor to build the garage and he had no idea that it was in the setback. There being no further public comment, this public hearing is closed at 8:06 p.m.

K. Heiss states that this is a large lot, the garage changed during construction and the general contractor did not have anyone mark out the building lines. J. Smack states that the garage was completed last spring, the neighbor to the left is the most impacted and does not have a concern with this. K. Veitch asks about the lot line adjustment. J. Smack states that there is a house being built on the lot to the right and there was some question regarding the ownership of the tree line. G. McKenna required that this variance be addressed prior to the lot line adjustment. S. Weeks asks what alerted the applicant the garage being too close to the property line. J. Smack states that it was found in the survey work that was done for the lot line adjustment. K. Heiss states that they had not done a final survey. K. Veitch states that the Board has a real problem with this when we have something come in after the fact. J. Smacks states that it irks him to have to ask for a variance.

RESOLUTION – J. & S. Smack, Area Variance

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED that the Zoning Board of Appeals grants the application of John and Sarah Smack for an area variance for property located at 4 Larkspur Court, TM#138.-2-91, as follows:

- **2-foot left side yard setback variance**

This variance is based on the following criteria:

- **The problem is not self-created**
- **There will be no change to the neighborhood**
- **This is a minimal variance**

S. Weeks asks about the public hearing sign being posted. J. Smack states that he did post a sign for 10 days, from the 20th to the 30th on the tree at the end of the driveway. S. Weeks states that he likes the sign to be up for the 10 days up to the hearing because the Board members go out and look at those.

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks
Noes: None

HABITAT FOR HUMANITY – Area Variance, Case#840

Medbury Road

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Tonya Yasenchak is present for the applicant. T. Conard reviews that this is a pre-existing, non-conforming lot. The lot was subdivided prior to the Zoning change of March of 2007. A public hearing is opened at 8:11 p.m. There being no public comment, this public hearing is closed.

T. Yasenchak states that they have modified the house size a little bit. When they first made the application the future homeowner had chosen a plan. The new plan is modified to make more room for the handicap ramp. The new owner has MS and will be dealing with progressive issues. They will end up having about a 30' ramp because of the high water in the area. They reduced the size of the house to 24 x 44 from 26 x 48. There is a ramp that will run along the south side and then up to the front porch. The house will still have a 40' front setback, which is consistent with all the other Habitat homes. There will still be 48' from the left property line to the house, 47' to the overhang. On the right side they have 49' to the ramp. The variance request is being reduced. S. Weeks states that he was confused by the house number and believes there is some discrepancy. R. Rowland states that she will check on the 911 map.

RESOLUTION – Habitat for Humanity, Area Variance

MOTION: M. Granger

SECOND: S. Weeks

RESOLVED that the Zoning Board of Appeals grants the application of Habitat for Humanity for an area variance for property located at Medbury Road, TM#137.6-1-7, as follows:

- **Front setback variance of 35'**
- **Right side yard setback variance of 3'**
- **Left side yard setback variance of 2'**

This variance is based on the following criteria:

- **No adverse impact**
- **As the house size has decreased in size, the variance being requested is the least possible**

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks

Noes: None

RYAN CHRISTOPHER – Area Variance, Case#842

Murray Road

Ryan Christopher is present. A public hearing is opened. T. Conard reviews that the applicant received a Special Use Permit on April 27, 2010 contingent upon ZBA approval. The applicant would like to build an 18 x 40 addition to the rear of the existing garage. There being no public comment, this public hearing is closed.

RESOLUTION – R. Christopher, Area Variance

MOTION: K. Veitch

SECOND: P. Lunde

RESOLVED that the Zoning Board of Appeals grants the application of Ryan Christopher for an area variance for property located at 983 Murray Road, TM#162.12-1-24, as follows:

- **Rear yard setback variance of 3'**

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This variance is based on the following criteria:

- **No negative impact to the neighborhood**
- **This is not a substantial request**
- **Planning Board has approved the Special Use Permit**

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks
Noes: None

DISCUSSION

T. Yasenchak asks if many people have come in to ask for variances for chickens. T. Conard states that there have not been. T. Yasenchak states that she has been thinking of doing something like this with her property.

M. Granger states that the question comes up again that you have builder who doesn't bother to check the lot line, then we have an applicant who comes before us and needs a variance. P. Lunde questions that there is nothing written in the Town law that we can go back and fine the builders. He feels that the Town Board should have something like that and the builders should have some type of insurance to cover this kind of thing. S. Weeks states that it puts the ZBA in a very difficult circumstance because the building is already built, it has been a house in some other cases. T. Conrad states that it is unfortunate to penalize the resident. K. Veitch comments that this is the kind of thing that get should be caught when a footing inspection is done. S. Weeks states that is a good question – what kind of pre-construction measurements are taken? Further discussion takes place. S. Weeks states that it is a good question to ask – it would be good for the Board to have an answer to that. He states that it is a terrible situation to be in, for the Board and the homeowner. There should be a way to keep this from happening. R. Rowland states that the first inspection that G. McKenna does is for footing and something that is a foot or two off, he just may not notice. K. Veitch states that there should be some flag on something that is very close to a property line.

P. Lunde questions what is going on with S. Germain on Porter Corners Road. R. Rowland states that the applicant appeared in Court but she is unsure of the outcome. P. Lunde states that he has built another shed on the property. Discussion takes place that sheds can be built up to 120 square feet without a permit.

Meeting adjourned 8:30 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary