

TOWN OF ANTRIM BOARD OF ADJUSTMENT

August 18, 1986.

reconvened meeting case #90

Applicants: Daniel and Laura Grant

The Board reconvened at 7:00 PM at Town Hall and then traveled to the applicants home and business on Rt 202 N. Present were the following members who are sitting on this case: Robert Flanders, Mary Allen, Harvey Goodwin, Patricia Hammond-Grant and David Penny, chairman. At the site review, they met with Mr. Grant and inspected the property. They returned to Town Hall and began their deliberation session at 7:40 PM. Also present at Town Hall were Board secretary, Debbi Barr, the applicant and an unidentified man.

The minutes from the previous meeting were read, corrected and approved.

The following points were considered in the deliberations:

1. THE PAST HISTORY OF THE APPLICATION

Approximately one year ago the applicant applied for and was denied both sideline and set back variances on this same parcel of land. The variances were applied for after the applicant had constructed his building and established his business on the parcel in question.

2. THE POSSIBLE PRECEDENTS SET BY PREVIOUS VARIANCES

The two recent variances granted to businesses in the "old precinct" section of the Rt 202 business district were discussed. It was pointed out that the ordinance does not differentiate between the two areas in the district. It was noted however that the spirit and intent of the ordinance were considered in the previous decisions in an attempt to keep new construction in the "precinct" in harmony with the existing structures. It was agreed that the Board should continue to decide each case on its own merits.

3. THE MERITS OF THE APPLICANTS PROPOSAL

It was noted that nothing had really changed since the applicants previous requests for sideline and set back variances were denied. Mr. and Mrs. Grant have purchased the adjoining property known as Lot 6, but have not annexed this new parcel to their existing parcel. If Lot 6 is annexed, the side line problem will be resolved, but the set back problem is unchanged. The applicants have removed the cottage that was also located on the North side of their original lot and have established a parking area in its place. The entry and parking problem in the front of the structure still exists. It was the Board's opinion when it inspected this property one year ago that both the lack of set

back and small land area (approx. 3/4 acre) made this lot inappropriate for a business that required intensive land use such as an auto body and repair shop. Nothing has occurred to change that opinion.

4. THE REQUIREMENTS FOR A VARIANCE LISTED IN THE ORDINANCE

It was noted that the applicants hardship was created when the structure was built prior to establishing the boundaries of the lot and without reviewing the set back requirements for a business. The original building permit was applied and granted for a dwelling structure only and the lot boundaries were misplaced on the application.

5. THE POSSIBILITY OF A TEMPORARY VARIANCE

The Selectmen are presently attempting to enforce the denial of the Grants' previous variance application because the Grants have continued to operate their business at the location in violation of the Zoning Ordinance. At the hearing, Mr. Grant had indicated that his business was growing and he would outgrow this location in the not too distant future. The possibility of a temporary variance was considered in an effort to give the applicant some time to build up his business and avoid further litigation with the Town. There is no precedent for a temporary variance and the question of legality was discussed. The following motion was moved by Robert Flanders and seconded by David Penny:

"the Board shall adjourn for the purpose of asking Town Counsel to research the legality of granting a temporary variance. The Board will reconvene on Tuesday, August 26, 1986 at 7:30 PM to continue deliberations."

The motion was carried in the affirmative.

Respectfully submitted:

Patricia Hammond-Grant

Patricia Hammond-Grant, Clerk ROA

Debi Barr

from minutes prepared by Debi Barr