

Minutes for July 21, 1987

Case # 104  
Davis-Wright  
Variance

There was a hearing before the Antrim Board of Adjustment on Tuesday, July 21, 1987, 7:30 p.m. at the Little Town Hall to consider the application by Ryan and Edwina Davis-Wright for a variance to Article V, Section B.1.a. of the the Antrim Zoning Ordinance.

The roll call for the Board was as follows:

Mary Allen, Chairman	-	present
Robert B. Flanders, Vice Chairman	-	present
Harvery Goodwin	-	present
David Penny	-	absent
Howard Humphrey, Sr., Alt.	-	present
Everett Chamberlain, Alt.	-	present
Patricia Hammond-Grant, Clerk & Alt.	-	present

Also present were the applicants Ryan and Edwina Davis-Wright; their attorney John Cronin; Joseph Timko, abutter; and David Essex, a neighbor.

The Chairman called the hearing to order at 7:35 p.m. and outlined the procedure that would be used. The notice for the hearing was read and the board sitting for the case was introduced: Harvey Goodwin, Howard Humphrey, Everett Chamberlain, Robert Flanders and Mary Allen.

The Clerk then read the application for the variance. Notices were sent by certified mail, return receipt requested, to the applicant and abutters Jane Hill, Jim and Carol Rymes, Church of Christ, Joseph Timko, Robert Kipka and James Barall and A.J. Homicz, D.D.S. Return receipts were received from all parties except Kipka and Barall. Notices were sent to the Board of Selectmen, Town Clerk, Acting Chairman of the Planning Board, Town Counsel and all members and alternates of the Board of Adjustment. Public notices was published in the Hillsboro Messenger on July 9, 1987 and had been posted in two public places in town.

The Chairman then read the sections of the Antrim Zoning Ordinance concerning the variance (Article V, Section B.1.a.) and the section concerning the conditions necessary for a variance (Article VIII, Section E). The Chairman also passed out copies of the proposed changes to the Antrim Zoning Ordinance which have been posted and would apply in this case.

The applicants' case was presented by their attorney John Cronin. He told the board the former owners had started a third apartment but had not completed the project. The building is presently a two-family

structure and the applicants hoped to complete the third apartment and use it as an in-law apartment. Mrs. Davis-Wright's mother would probably use the apartment in the summer and it would be rented out the rest of the year.

Mr. Cronin presented the board with a map prepared by the applicants of the Main, North Main, Elm and Grove Streets area. Mr. Davis-Wright had conducted an informal survey of the area and listed the number of dwelling units he had found for each of the buildings located on the map. The applicants were arguing that since approximately 1/3 of the buildings listed had more than the allowed two dwelling units and that to deny them the use of the third apartment would be a hardship. Mr. Cronin also indicated that he interpreted the Master Plan to encourage the multi-family dwellings in this area.

Mr. Cronin also argued that a third apartment in the building would not diminish the surrounding property values. Preventing the requested use would be a hardship because the buildings immediately surrounding the Wright-Davis property all were clearly in excess of the two dwelling units and denial of a third apartment would create a substantial injustice.

There was some discussion between the board and the applicants over the proposed changes in the ordinance in respect to clustered housing, conversions and multi-family dwellings and the timetable for such changes. The map presented by the applicants was reviewed and several changes made including a reduction in the number of units listed for the two group homes (to one).

Mr. Humphrey asked about the parking plans. Mr. Davis-Wright said the drive and parking area on the south side of the property would be enlarged and could handle six cars.

Mrs. Allen questioned Mr. Cronin's interpretation of the Master Plan as it related to the Main Street area. She agreed that plan called for multi-family housing but questioned the reference to this neighborhood as being targeted for such development.

The board's history in respect to variances for additional dwelling units in this area was reviewed. The board has heard one other similar request and that variance was denied. It was agreed by all parties that most of the buildings in the neighborhood with more than two dwelling units were at that level of use prior to zoning and should be considered as pre-existing and non-conforming.

David Essex, who owns a single family dwelling on Grove St. spoke in favor of the variance. No one spoke in opposition to the proposal.

At the end of the public session the Chairman gave a summary of the case and after a brief recess the board began their deliberations

in public.

During deliberations the Board considered the three conditions necessary for a variance with particular attention to the spirit and intent of the ordinance and the question of hardship. General agreement was that the spirit of the ordinance was to allow only a maximum of a two-family dwelling per lot and that hardship must be a condition inherent in the land.

Mr. Goodwin said he felt the applicants were looking for a use variance. He also felt that if this were a vacant lot the board would not grant a variance to build a new 3-apartment building and that the same criteria should apply to this case.

The motion was made by Mr. Flanders and seconded by Mr. Humphrey that:

"the variance to convert the existing barn into an apartment be denied. The board finds that the application of the requirements of the ordinance will not deprive the owner of a reasonable use of such property and will not impose a hardship not shared by owners of other property in the same district. Further the board finds that granting such a variance would not be in harmony with the general purpose and intent of the ordinance."

The vote on the motion was as follows:

Harvey Goodwin	-	in favor
Howard Humphrey, Sr.	-	in favor
Everett Chamberlain	-	opposed
Robert Flanders	-	in favor
Mary Allen	-	in favor

The motion was passed by a 4-1 vote. The Chairman reminded those present that they would have 20 days to appeal to the Board for a rehearing if desired. The meeting was adjourned.

Respectfully submitted,

Patricia Hammond-Grant  
Clerk  
Antrim Board of Adjustment