

Minutes of the Antrim Board of Adjustment meeting September 3, 1991.

Present: Mariann Moery, Chairman; Patricia Hammond-Grant; Harry Page; Helene Newbold and Boyd Quackenbush, Alternate sitting for Joseph Timko.

The Chairman opened the meeting and introduced the Board sitting for this public hearing. (as noted above) She outlined the procedure to be followed for the hearing, the procedure for appeal and stated that all decisions are made in public.

Giffin Russell appeared for the Applicants and stated that she had nothing to add to what was outlined on the Application. Harry Page went over the points addressed in the previous public hearing. (91007BOA) He reiterated that the building should be no closer than 37 feet from the centerline of West Street as this is the setback for the house; that the Applicant should maintain a 25 foot setback from the brook; that the building should always remain as a garage and that the use should not be increased. The Chair explained the problem with the wet area which was made evident by the Board's site review at 6:00 P.M. on August 13 to Boyd Quackenbush who was sitting for absent Board Member, Joseph Timko. It was established that the lot size was grandfathered and the Chair suggested that this is a reasonable use for the land. Hearing no further testimony for or against this Application the Chair closed the public hearing and summarized the testimony. In her summary the Chair stated: Hearing no comments after the reading of the Application the Board reviewed the size and the configuration of the wetlands on the lot and reviewed the previous testimony and comments at the public hearing for Case #91007.

Deliberations: The Board addressed the five criteria for granting a Variance: 1. Diminution of value of surrounding property: There would be no impact on density as the 37 foot setback is the same as the house. The consensus of the Board was that there would be no diminution of value. 2. Granting would be in the public interest: This use is in common with other properties in the area and not contrary to the intent of the Ordinance. 3. Denial would result in unnecessary hardship: Denial would say that there is no use for this property and the road created by the development of the Beaver Dam subdivision made it necessary to get the Variance for the frontline setback. 4. Substantial justice would be done by granting this variance: This is an acceptable use of a poorly shaped lot and the use is similar to other uses in the neighborhood. 5. The Board agreed that the proposed use is not contrary to the spirit and intent of the Ordinance. The Board agreed that the Application as it pertains to the Variance to Article VI, Section C.6.a.b.& d. meets the five criteria. The Board then addressed the Variance to Article XI, Section 5.B.a. The Chair read the Article in question and confirmed that this is a grandfathered lot, that is, a pre-existing non-conforming lot. Harry Page expressed the

opinion that the Ordinance should clearly address the exemption to the lot size and frontage requirement references to grandfathered lots. The Board addressed the five criteria.

1. No diminution of value: The Board agreed that this would be so, as long as the building is not connected to a septic system.
2. Public interest: The Board agreed as this is an acceptable use for a poorly shaped and poorly drained lot.
3. Unnecessary hardship: This is the best use and prevents confiscatory zoning.
4. Substantial justice: A practical use of the lot.
5. Spirit and intent of the Ordinance: The Board ^{agreed} that the use is not contrary to the spirit and intent of the Ordinance and it will fit in with other uses in the area. The Chair asked for other discussion from the Board. Harry Page reiterated that the building should be no closer than 37 feet from the centerline of West Street, a 24' x 24' non-residential building with no sewage connected to the building.

Mariann Moery moved: That Variances be granted to Lester H. & Giffin S. Russell to Article VI, Section C.6.a.b. and d. and Article XI, Section 5.B.a. of the Antrim Zoning Ordinance to build a non-residential garage/storage building set back a minimum of 37 feet from the center line of the traveled way.

The Board further noted that care should be taken that: (1) No septic tank or leach field may be constructed, repaired or enlarged closer than seventy-five (75) feet to any wetland; and (2) No construction or ground disturbance shall occur within twenty-five (25) feet or greater, based on recommendation of the Hillsborough County Soil Conservation Service, of the wetland areas defined in Article XI of the Antrim Zoning Ordinance. This twenty-five (25) foot buffer zone shall be parallel to and surveyed from the edge of the wetland on a horizontal plane; that for the purposes of protection the buffer zone shall be subject to the same regulations that apply to the filling and uses of wetlands. Harry Page second. the vote: Boyd Quackenbush, yes; Patricia Hammond-Grant, yes; Helene Newbold, yes; Harry Page, yes; Mariann Moery, yes.

The Chair raised the subject of the Zoning Ordinance and asked for the Board's input on any corrections or additions that should be suggested to the Planning Board for the 1992 Town Meeting. Harry Page suggested a number of changes namely:

The definition of a grandfathered structure.

Review the Wetland square foot requirement for the eventuality that both wetlands and steep slopes occur on the same lot.

In Page's opinion the definition of a wetland on page 13 has no correlation with the definition on page 49 of the Ordinance. Page feels that this is contrary to the State definition of a wetland as the State definition does not include brooks, rivers, streams, ponds or lakes.

Definition of Area, Building is unclear; does it mean the total floor area or just the area of the footprint?

On page 52 Page noted that Article XI, Section 5.A.b. contradicts Article XI, Section 6.A.

Definition 146: Zoning Officer, Page has trouble with how the Ordinance is enforced, and questioned how Certificates of Occupancy are issued. He discussed the possibility of the BOCA Code being replaced with an Antrim Building Code.

Article V Highway Business District Section C.i. and j. Lot, Yard and Height Requirements for duplex and multi-family uses are less restrictive than for residential uses. Page also had a problem with the side yard setbacks especially for business uses.

Article VI (R) 6.a. to be consistent change 80,000 square feet to 90,000 square feet.

Article VIII (LR) B.2.d. is inconsistent with D.

Page suggested that backlots be permitted in the RCD to limit the building of roads. He also suggested that Cluster Housing be allowed in this district.

Page called the Board's attention to page 63.9 as it pertains to: Household Pets.

Page 71-Home Occupation the definition excludes people doing business outside the home i.e. loggers

At the suggestion that a definition for "Lot of Record" be included it was determined that one already exists.

Meeting adjourned at 9:30 P.M.