

Minutes of the Antrim Board of Adjustment Meeting November 24, 1992.

Present: Linda Lester, Acting Chairman; Robert Bryer; Boyd Quackenbush; A. Fred Anderson; Richard Winslow.

Raymond Clarke: Public hearing concerning a Variance to Article XVI, Section B and C (page 81) of the Antrim Zoning Ordinance. The Applicant proposes to replace an existing mobile home with a modular home and to relocate the mobile home elsewhere on the lot.

The Chair opened the meeting at 7:30 P.M. and introduced the Board sitting for this Variance, Robert Bryer, Richard Winslow, Boyd Quackenbush, A. Fred Anderson and Linda Lester Chairman. She outlined the procedure to be followed referencing the five criteria which must be met in order to grant a Variance. She read the Article in question and also read Article XIV, Section A.1.a and 4. (page 61) of the Antrim Zoning Ordinance. Mr. Clarke presented his proposal which is to replace a trailer with a modular home and remove that trailer to a location presently occupied by another trailer which will be removed from the lot. Mr. Clarke stated that the trailer which is to be removed from the lot has not been used for the last two years. Robert Bryer made a motion to adjourn to view the site. After some discussion relative to the time of day, and the need to establish the location of the second trailer; Linda Lester seconded the motion. Motion carried unanimously. The Board adjourned to view the site at 7:45 P.M. to return in about one half hour 8:15 P.M.

Chairman Lester reopened the meeting at 8:15 P.M. She listed the five criteria which must be met to grant a variance and asked Mr. Clarke to address his testimony to those points. Mr. Clarke testified that in his opinion the modular home would be an improvement, that he has cleaned up the lot and that the trailer would be used as a home for his mother. Peter Beblowski, an abutter testified that there are a substantial number of violations and non-conforming uses at this location. He commented that moving the trailer would make the lot more non-conforming. It was pointed out that the use of the trailer which is to be removed has been abandoned, as it has been empty for two years, and it should be removed from the lot. (Article XVI, Section D.5 page 83 of the Antrim Zoning Ordinance) In the argument that followed reference was made to: Article XVI, Section C.3. (page 82); Article XIII, Section D.3 (page 57); and Article XIV, Section A, 13.b. (page 65) of the Antrim Zoning Ordinance. Beblowski asked about the use of a recreational vehicle as a residence. Clarke responded that he is living in this vehicle while they are in transition. Beblowski asked about a home based business. Mr. Clarke stated that he runs his business out of Concord. The Chair noted that the Board is considering the Application only and that other issues should be brought to the attention of other Boards. Abutter, Martha

Pinello testified to the stress of living in the area of this property to which the Chair reiterated that the Board could only consider the Application and other matters should be brought to the attention of other Town Departments. Pinello stated her concern for the substandard living conditions and multiple houses, as opposed to what is permitted, on a lot. Clarke made some corrections to the map which he had submitted with the Application. Board Member, Fred Anderson inquired about electrical wires he had seen when he was at the site view. Clarke testified that everything has been on the property for quite a few years. Clarke informed the Board that the septic and leach field behind the relocated trailer has been in place for about twenty years. Bob Bryer cautioned that the Board should only be considering questions raised about the Application. Peter Beblowski reiterated that in his opinion the request is in violation to the Antrim Zoning Ordinance. Martha Pinello testified, as a member of the Conservation Commission, to the fact that in her opinion a site specific permit should be required for the disturbance of more than 100,000 square feet of soil and she asked if an intent to cut wood had been obtained by the Applicant. The Chair closed the public hearing portion of the meeting and the Board went into deliberations.

Deliberations: Chairman Linda Lester commented on the number of dwellings on the lot. She also noted that the trailer that the Applicant wants to replace has been vacant over twelve months and should be removed. Lester also commented the Applicant is asking for two dwellings on one lot and asked if the Board is legally able to grant the Variance. After comments to the effect that the use has lapsed as according to the Applicant the older trailer has been vacant for two years and that the Ordinance provides that you cannot have two residences on one lot the consensus of the Board was that the Board cannot legally grant this Variance. On addressing the five criteria the Board unanimously agreed that:

1. If this Variance were granted there would be diminution if value of surrounding properties.
2. If this Variance were granted there would be no benefit to the public interest.
3. If this Variance were denied it would not result in unnecessary hardship to the owner seeking it.
4. If this Variance were granted substantial justice would not be done.
5. This use would be contrary to the spirit and intent of the Ordinance.

The conclusion of the Board was that: By granting the Variance the Board would be creating a non-conforming lot.

Linda Lester moved to deny the Variance to Article XVI, Section B and C of the Antrim Zoning Ordinance requested by Raymond Clarke to replace an existing mobile home with a modular home and to relocate that mobile home elsewhere on the lot at Smith Road in the Rural District tax map #8A lot #223. The Board finds that by granting the Variance they would be confirming a non-conforming lot. Therefore the Application is denied. Second Robert Bryer.

The vote: A. Fred Anderson yes
Robert Bryer yes
Richard Winslow yes
Linda Lester yes
Boyd Quackenbush yes

Motion carried unanimously. The Application was denied. Mr. Clarke was informed of his right to appeal this decision.

Meeting adjourned at 10:00 P.M.

Respectfully submitted,
Barbara Elia, Secretary
Antrim Board of Adjustment