

Minutes of the Antrim Board of Adjustment Meeting August 13, 1990

Present: Marianne Moery, Chairman; Mary Allen, Clerk; Patricia Hammond-Grant; Howard Humphrey, Sr., Alternate; Everett Chamberlain, Alternate.

After a Site Review at 5:30 P.M. the Board convened at the Town Hall for the continued public hearing on a request by Winslow A. Jr. & Gloria A. Sawyer for a Variance to Article XV, Section C. of the Antrim Zoning Ordinance. The Applicant proposes to reconstruct a seasonal cottage in the Lakefront Residential District. Hearing held August 7, 1990. The Chairman, Marianne Moery introduced the Board: Patricia Hammond-Grant; Howard Humphrey, Sr.; Everett Chamberlain; Mary Allen, Clerk; Marianne Moery, Chairman.

Deliberations: In the discussion Mary Allen stated that while she is sympathetic with the Applicant's problem this is a violation and she, Allen, has a problem with the expansion of this use. The construction of a four foot foundation would be a problem due to the building's proximity to the lake. She noted that the land is very ledgy and it would be virtually impossible to construct a four foot foundation without blasting which she believes will disturb the tight tank and could have an impact on the lake as the house sits 8 and 1/2 feet from the water's edge. In her opinion the reconstruction of the building to the dimensions of 26 feet by 26 feet without the second story would be no problem. That is, to continue the use as it presently exists. Allen noted that if the use were expanded as proposed the property could be used year round as opposed to the seasonal use now enjoyed. She expressed doubt that the present septic disposal system (tight tank) could support a year round use. Everett Chamberlain argued that the Applicant is reducing the number of bedrooms with there being some discussion of the increase in the number of bathrooms. It was also pointed out that the construction of a new building would create a more modern situation resulting in increased water usage. There was further discussion of the height of the proposed building intruding on the abutters view of the lake.

The Chairman opened discussion of the five criteria for granting a Variance.

1. Diminution in value to surrounding properties would be suffered. After much discussion the vote went as follows: Howard Humphrey, Sr., no; Everett Chamberlain, no; Mary Allen, no; Patricia Hammond-Grant, no; Marianne Moery, no.

2. Granting the permit would be of benefit to the public interest. Mary Allen argued that the septic is inadequate, there would be an impact on the lake, and there is a possibility of a year round use which would result in pollution of the lake. Patricia Hammond-Grant noted the increased use. The vote went as follows: Howard Humphrey,

Sr., yes; Everett Chamberlain, yes; Mary Allen, no; Patricia Hammond-Grant, no; Marianne Moery, no.

3. Denial of the permit would result in unnecessary hardship to the owner seeking it. Howard Humphrey, suggested that the regulation was too strict. Everett Chamberlain expressed the opinion that the Applicant is restricted by the small lot size and that the building will be located in the same place. Mary Allen said that there is another alternative. Patricia Hammond-Grant, there is another alternative. Marianne Moery, no.

4. By granting the permit substantial justice would be done. Howard Humphrey, Sr., yes; Everett Chamberlain, yes, this would not have much interest to the public and if there were a problem the applicant would know it as the tank would back up into the house; Mary Allen, no, the public would not gain due to the impact on the body of water of the increased use, possible pollution; Patricia Hammond-Grant, no; Marianne Moery, no public benefit.

5. The use must not be contrary to the spirit of the ordinance. Howard Humphrey, Sr., abstain; Everett Chamberlain, the denial of the use is not fair if it comes down to it the tank will be pumped; Mary Allen, yes; Patricia Hammond-Grant, yes; Marianne Moery, yes.

Marianne Moery commented that the Ordinance allows for expansion but the State will not allow an additional tight tank therefore the Applicant can improve, repair, reconstruct but not enlarge the existing use. Mary Allen commented that the Ordinance encourages the elimination of non-conforming uses not the enlargement of same. The size of the location is a violation and the impact of the increased use on the lake is against the spirit and intent of the Ordinance. Everett Chamberlain referred to page 10 of the Board of Adjustment Handbook. It was determined that this was not applicable. Chamberlain also spoke to the reasons for granting the Variance. Howard Humphrey expressed the desire to accommodate the Applicant. Mary Allen asked for the vote. The Chair asked for a motion.

Mary Allen moved that the request of Winslow A. Jr. & Gloria A. Sawyer for a Variance to Article XV, Section C of the Antrim Zoning Ordinance be denied. The Board finds that there is no unnecessary hardship as the Applicant can reconstruct the building to its current configuration without a Variance. The Board questions whether expanding the size of the and increase in bathrooms could be supported by the existing "tight tank" system. The Board suggests that if the Applicant chooses to demolish and reconstruct the existing cottage that they seek a waiver from the Code Enforcement Officer from the strict construction standard for the building's foundation. Second Patricia Hammond-

Grant. The vote: Howard Humphrey, Sr., yes; Everett Chamberlain, no; Mary Allen, yes; Patricia Hammond-Grant, yes; Marianne Moery, yes. Motion carried four to one.

Respectfully submitted,
Barbara Elia, Secretary