

**TOWN OF CHARLESTOWN
ZONING BOARD OF ADJUSTMENT
APRIL 14, 2016**

Members Present: Terri Fisk (Chair); Harold Ames, Nancy Houghton,
Andy Jellie

Alternates Present: None

Staff Present: David Edkins – Planning and Zoning Administrator

CALL TO ORDER: Ms. Fisk called the meeting to order at 7:00 PM. She advised that meetings are tape recorded and asked that anyone wishing to speak identify themselves for the record.

SEATING OF ALTERNATES: No alternates were present.

ZBA 02 (V)-2015 ELECTION OF OFFICERS FOR 2015-2016:

The current members for 2014-2015 are:

- Chair: Terri Fisk
- Vice-Chair: Andy Jellie
- Secretary: Ken Arkell

Mrs. Houghton moved to keep the existing slate of officers in their current roles for 2015-2016. Mr. Ames seconded the motion. With three members in favor, the motion was approved. Ms. Fisk abstained. This is a unanimous vote in favor of the motion.

APPROVAL OF MINUTES OF JUNE 9, 2015:

Mr. Jellie moved to approve the Minutes of the June 9, 2015, meeting as printed. Mrs. Houghton seconded the motion. With four members in favor, the Minutes were approved.

ZBA 01 (V)-2016 - Petition of Janice Wightman & John Prasch for property located at 39 West Street Extension wherein a Variance pursuant to Section 8.5.7.c of the Zoning Ordinance is requested to permit the construction of an attached garage providing handicap access less than the required 10 feet from the side property line. Said property is shown on Tax Map 118 as Lot 36 and lies in Zone E (Mixed Use).

Ms. Janice Wightman was present and explained that her husband is experiencing mobility and they would like to construct an attached garage onto their home that would include an enclosed ramp for wheelchair access directly from the garage into the house. In order to accomplish this, the garage would encroach approximately 3 feet into the required 10 foot side yard setback. She presented a letter from abutters Cassandra & Edward Blodgett stating that they had no objection

to the proposed addition. Abutter Joey Carter was present and stated that he supported the variance application.

The Board reviewed the statutory criteria for a variance and the applicants' responses as follows:

1. The proposed use would not diminish surrounding property values because: "We are wanting to add an attached two car garage to our existing home." My husband's health is deteriorating." The Board also noted that abutters to the property supported the request.

2. Granting the variance would not be contrary to the public interest because: "All abutters are in agreement that being 3 feet over the proposed setback is not an issue." The Board also noted that it is in the public interest that handicap access to a residence be provided when necessary.

3. Owing to special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:

A. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because: "We would use the extra 3 ft. to be sure the ramp in the garage has enough room for proper gradual elevation according to law."

-AND-

The proposed use is a reasonable one because: "It would allow us to continue living in our home for the rest of our lives."

-OR-

B. Owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it because: "Because we are trying to install a ramp from the outside to the inside of the house. By law we are required to follow guidelines on how quickly the ramp slopes up. Our house sits pretty high so it requires enough length to make this happen within the garage."

4. Granting the variance would do substantial justice because: "We plan to live in our home for the rest of our lives. Currently there is no handicap access into the home. This would provide shelter for us to get someone in a wheelchair out of a vehicle and into the house safely."

5. The proposed use is not contrary to the spirit of the ordinance because: "It would allow us to remain in the community by adding handicap access."

The board agreed that the application meets the criteria for a variance.

Mrs. Houghton moved that the application be approved. Mr. Jellie seconded the motion and with four (4) members in favor and none opposed the variance was granted.

Mr. Edkins noted that he is in receipt of another application for a variance and asked members when they could be available for a hearing on that application. The Board agreed that Tuesday April 26 at 7:00 PM would work for everyone.

Mrs. Houghton moved that the meeting be adjourned. Mr. Ames seconded the motion and with all in favor the meeting adjourned at 7:32 PM.

Respectfully submitted,
David M. Edkins, Planning & Zoning Administrator

(Note: These are unapproved Minutes. Any corrections will be found in the Minutes of the April 26, 2016, ZBA meeting.)