

**FRANKLIN ZONING BOARD
REGULAR MEETING - COUNCIL CHAMBERS**

Wednesday, April 7, 2010, at 7:00 p.m.

Minutes

Call to Order

Acting Chair Styles called the meeting to order at 7:00 p.m.

□ Roll Call

Present: Cynthia Styles, Charles Farmer, Donna Tully, and Floyd Sargent; Planning and Zoning Administrator, Richard Lewis.

□ Approval of Minutes of the June 6th, 2007 Zoning Board Regular Meeting.

MOTION: Member Sargent moved and Member Tully seconded to approve the minutes of the December 8, 2009 Zoning Board regular meeting. All were in favor of approving the minutes and the motion passed.

Acting Chair Styles informed both of the applicants that the Board only had 4 members present this evening and if they wished to postpone the hearing on an individual application until such time as 5 members were present they had that option.

New Business

- **Z10-01: David and Mary O'Donovan Dix, owners; Deb Hinds, Applicant, request a Special Exception to take a second floor deck and transform it into an enclosed porch, which will follow the same footprint and the existing roof line, on the property located at 45 North Shore Lane, identified as Tax Map/Lot 032-059-00, LP Zone [Lake Protection].**

Deborah Hinds was present to represent the property owner and she outlined the proposed work that involves the replacement of the open deck on the second floor and transforms it into a seasonal and enclosed porch. The footprint of the porch will remain the same and its height will not be any higher than the peak of the existing structure. Because the footprint remains the same, and given the type of construction being carried out, no shoreland permit will be required. She indicated that a new septic system would be designed and submitted to DES. In response to a question, Ms. Hinds stated that the new porch would be unheated and the septic plan would be considered a "hip-pocket" plan that would be constructed if and when the existing system fails.

There were no other questions from the board for the applicant.

Public Comment: None.

Board Discussion

The board members reviewed the draft motions prepared by Planner Lewis.

MOTION: Member Tully moved and Member Sargent seconded that the Zoning Board of Adjustment approve the Special Exception requested by David and Mary O'Donovan Dix, owners, Deborah Hinds, applicant, to

allow the construction of a new enclosed porch to be located where the existing deck off of the second floor of the property referenced as 45 North shore Lane, Tax Map/Lot 032-059-00, in the Lake Protection District. The application is referenced as Z10-01. In approving this Special Exception, the Board finds that the proposed project meets the criteria found in Section 305-4 of the Franklin Zoning Ordinance for the granting of the Special Exception as follows:

- a. The specific site is appropriate for the use and structure given that the proposed enclosed porch is a common residential structure that will be located in an existing residential neighborhood.
- b. The height of the proposed enclosed porch will not be any higher than the existing roof line and will not create any nuisance for the neighborhood. The footprint of the structure will not change and the enclosed porch will not be any closer to the lot line than the existing structure.
- c. The residential use will not change and therefore there will not be any change in the types or numbers of vehicles trips or type of use, and no changes in the parking for the seasonal residential use.
- d. Because the applicant will be designing a new septic system and well location for the structure, there are adequate facilities and utilities for the proposed project.
- e. Since the Master Plan promotes the protection of Webster Lake and the associated water quality, the new design of the septic system and the well location will assist in the promotion of these goals. Further, since the residential use will not changes

The granting of the Special Exception is subject to the following conditions:

1. The owner shall obtain a building permit before any work starts on the proposed porch.
2. As part of the building permit application package, the owner/applicant shall submit a DES-approved design for a new septic system and well location as is noted on the application for the Special Exception.
3. The height of the proposed enclosed porch shall not be any higher that the existing roof ridge line. Nor shall the width of the proposed enclosed porch extend beyond the sides of the existing second floor level.

All were in favor and the motion passed on a vote of 4-0-0.

- **Z10-02: Denise Steadman, Owner; Paul Duncanson and Debbie Steadman, Applicants, request a variance to construct a garage 30' from the property line, where the requirement is 40'. The construction will be of a 28' x 28' two car garage and an 8' wide x 20' long breezeway (the breezeway meets the zoning requirements). The property is located at 26 Finch Drive and is identified as Tax Map/Lot # 076-405-05, R-1 Zone (Low- Density Residential District).**

Debbie Steadman and Paul Duncanson, respectively the sister and brother-in-law of the property owner, were present to discuss the proposed project; Mr. Duncanson made the formal presentation during which time he utilized a multi-page handout, a copy of which is in the file for this application. The significant points that Mr. Duncanson included were these facts or statements: the builder was forced to move the house forward when a spring was found on the lot; there is a brook / drainage swale on one side of the lot; the breezeway allows for the creation of needed storage space due to the size of the kitchen area; given the fact that the owner and her mother will be moving into the home, there is a need to provide for safe and out-of-the-elements access between the garage and the home, with the possible need for a handicap ramp; while the proposed garage could be built without the need for variance the shift in the location of the garage would block and restrict the view from the windows, and would not be aesthetically out-of-character with the design and look of the existing home.

Member Sargent had several questions about the loss of the view from the house if the garage was moved to avoid the variance, and on how the location of the existing side-door would function with a shift in the garage footprint. Mr.

Duncanson stated while the shift in the footprint could be done, it would create a somewhat awkward access layout, and they did look carefully at how the view would change and he felt that it would have an impact on the functionality of the home.

Planner Lewis stated that his memo to the Board was prepared before he had an opportunity speak with Mr. Duncanson about the layout and design issues. Member Farmer did note that he felt that the aesthetic issues were important in his review of the variance request.

MOTION: Member Farmer moved and Member Tully seconded that the Zoning Board of Adjustment approve the variance application request by Paul Duncanson and Debbie Steadman, applicant, and Denise Steadman, owner, for a variance to construct a garage and breezeway addition that will extend 10 feet in the front yard setback, which is a minimum of 40-feet. The property is identified as 26 Finch Drive, Tax Map/Lot # 076-405-05, R-1 Zone (Low-density residential); the application is referenced as Z10-02 .The Board finds that the application request meets the tests and criteria necessary for the granting of a Variance in that: 1) the variance will not be contrary to the public interest, the spirit of the ordinance will be maintained, the value of surrounding properties will not be diminished, no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific application of the ordinance to this proposed project, and substantial justice will be done due to the fact that there will no significant change in the use of the land with no greater impacts associated with the uses since the area where the proposed garage will be constructed is largely already disturbed area where parking takes place; and, 2) special conditions of the subject property exist in that there is a small drainage/stream area in front of the house and existing parking area, and there is a septic system in the rear of the property that restrict and limit where an addition can be located.

This approval is subject to the following conditions:

1. The applicant or their designee shall obtain the necessary building permits for the proposed work and a Certificate of Occupancy once the work is completed.
2. A Driveway Permit application shall be submitted to the Municipal Services Department for the proposed and new driveway. The new driveway shall be constructed so that stormwater water does not adversely impact the street that creates the frontage of the property.
3. Before any construction begins on the site, the applicant or the contractor shall stake out the corners of the foundation to allow for an inspection by the Planning and Zoning Administrator and other appropriate city officials.

All were in favor and the motion passed on a vote of 4-0-0.

Planner's Update: None

Other Business and Public Comment: None

Adjournment

MOTION: Member Farmer moved and Member Tully seconded to adjourn the Zoning Board of Adjustments meeting of April 7, 2010 at 8:47 p.m. All were in favor, meeting adjourned.

Respectfully Submitted,

Angela M. Carey
Planning and Zoning
Administrative Assistant