

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
DRAFT MINUTES
Public Hearing
February 4, 2016
(Approved April 4, 2016)**

I. CALL TO ORDER

Vice Chairman Paul Monzione opened the meeting at 6:11 p.m.

He announced that there were two members absent, Paul LaRochelle and Steve Miller, and noted that there was a quorum of the board present. He stated that the board would take care of other business while waiting for the two members to arrive. He reported that the ZBA Chair, Timothy Morgan, was present but was not feeling well, and had asked P. Monzione to chair the meeting. It was noted that the recording secretary had arrived but that the meeting was bring recorded.

The following members were present: John Dever III, Code Enforcement Officer; Timothy Morgan, Chair, Paul Monzione, Vice Chair, and Lou LaCourse, Member. Paul Larochelle, Member, and Steve Miller, Member, were absent.

II. APPOINTMENT OF ALTERNATES

P. Monzione announced that only three board members were present, and that there were no alternates were present to appoint to the board. He asked the attendees if they knew anyone who would like to serve as an alternate, to contact J. Dever.

III. STATEMENT OF THE APPEAL PROCESS

The purpose of this hearing is to allow anyone concerned with an Appeal to the Board of Adjustment to present evidence for or against the Appeal. This evidence may be in the form of an opinion rather than an established fact, however, it should support the grounds which the Board must consider when making a determination. The purpose of the hearing is not to gauge the sentiment of the public or to hear personal reasons why individuals are for or against an appeal but all facts and opinions based on reasonable assumptions will be considered. In the case of an appeal for a variance, the Board must determine facts bearing upon the five criteria as set forth in the State's Statutes. For a special exception, the Board must ascertain whether each of the standards set forth in the Zoning Ordinance has been or will be met.

IV. APPROVAL OF THE AGENDA

There was a brief review of the agenda. There were no changes.

T. Morgan motioned to approve the agenda, as presented. Second by L. LaCourse. The motion passed by unanimous vote. (3-0-0)

P. Monziona stated that there were three members present and that the board could proceed, but offered for applicants to request a continuance, if they wished. He explained the criteria of having the approval of three board members for the granting of a request. He stated that there would be two members of the board joining them, and the applicants could wait for them, could proceed on the agenda this evening, with the three board members, or they could request a continuance. He explained that only two continuances could be granted, and that there would be no additional filing requirements.

There were no comments from the attendees. The board decided to proceed.

V. NEW APPLICATIONS

Z16-01 Colin C. Spence	Map 38; Lot 30	Variance 26 Keewaydin Drive
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On behalf of Collin C. Spence, Paul Zuzgo, LLS, is requesting a Variance from Article 300, Section 327, A.2 and A.3, of the Zoning Ordinance to permit a proposed garage with a second floor living space, an eight foot (8') deck on the second floor of the garage. The new construction will be enriching on the front and side setbacks. This property is located in the Lakeshore Residential (LR) Zone.

Paul Zuzgo requested to have his application moved to later in the meeting.

Motion by L. LaCourse to move the application, Case Z16-01, to the last position in the agenda, under New Applications. Second by T. Morgan. The motion passed by unanimous vote. (3-0-0)

Z16-02 & Z16-03 Golden Arch Limited Partnership	Map 26; Lot 11	Variance 15 Homestead Place
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On benefit of Golden Arch Limited Partnership, John Kucich of Bohler Engineering, is requesting a Variance from Article 300, Section 340 E, of the Zoning Ordinance to permit a replacement of an existing wall sign at the McDonald's restaurant and a Variance from Article 300, Section 340 (E), to replace the existing freestanding sign with one that is taller in height and larger in area. The property is located in the Residential Commercial (RC) Zone.

John Kucich requested to have his application moved to later in the meeting, as well.

Motion by L. LaCourse to move the application, Case Z16-02 and Z16-03, to the second to the last position in the agenda, under New Applications. Second by T. Morgan. The motion passed by unanimous vote. (3-0-0)

Z16-04 George & Linda Freese	Map 35; Lot 22	Special Exception 157 East Side Drive
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On behalf of George and Linda Freese, Samyn-D'Elia Architects, is requesting a Special Exception from Article 300, Section 320 A. 4, of the Zoning Ordinance to permit a replacement of an existing non-conforming garage as principal building on the lot. This property is located in the Lakeshore Residential (LR) Zone.

There was a question about the deed and if it had been submitted. There was a brief discussion. A member of Samyn-D'Elia Architects, Ted Davis, confirmed that a deed had been submitted.

Motion by L. LaCourse to accept the application for Z16-04, as complete. Second by T. Morgan. The motion passed by unanimous vote. (3-0-0)

Ted Davis reviewed the request for the special exception. He stated that the original garage was the only structure on Lot 22, and encroached into the side and rear setbacks. He noted that the garage will be larger than the original garage was located, and that the original structure had been taken down. He described the original garage as an "accessory structure", and was the primary use on the lot, and therefore nonconforming in use.

P. Monziona reviewed the non-conformity of the garage and asked if there was ordinance about accessory structures. J. Dever noted that there was but that he would need a special exception within the zone. He stated that that was a pre-existing, non-conforming use. Ted Davis noted that the building would be conforming in every thing except the use within the zone.

T. Morgan asked the applicant if they had considered a lot line adjustment. Ted Davis responded that they were seeking a special exception because they felt it would be easier and faster than trying to obtain a lot line adjustment. There was discussion of the application, and it was noted that there were no lot coverage restrictions and that the structure would not be on any setbacks.

The proposed garage was discussed, including design, foundation, utilities, and plumbing. Ted Davis stated that there would be no plumbing and confirmed that the use of the structure was not deviating from the original.

P. Monziona opened up the meeting to public input. There were no comments.

P. Monziona moved the board to the worksheet:

L. LaCourse stated that the plan ***had been accepted*** in accordance with the Town of Alton Zoning Ordinance Section 520 B, T. Morgan and P. Monziona agreed.

T. Morgan stated that the specific site ***is*** an appropriate location for the use. L. LaCourse and P. Monziona agreed.

P. Monziona stated that factual evidence ***is*** found that the property values in the district will be reduced due to incompatible use, and noted that this was replacing a garage that was already there. L. LaCourse, and T. Morgan agreed.

L. LaCourse stated that there ***is no*** valid objection from abutters based on demonstrable fact. P. Monziona agreed and noted that this would be an improvement to the neighborhood and in conformity. T. Morgan agreed.

T. Morgan stated that there ***is no*** undue nuisance or serious hazard to pedestrian or vehicular traffic including the location/design of access ways and off-stage parking. P. Monziona and L. LaCourse agreed.

P. Monziona stated that adequate and appropriate facilities and utilities ***will*** be provided to ensure proper operation of the proposed use or structure. L. LaCourse and T. Morgan agreed.

L. LaCourse stated that the sewage ***is*** accurate area for safe and sanitary sewage disposal and water supply. T. Morgan and P. Monziona agreed.

T. Morgan stated that the proposed use or structure ***is*** consistent with the spirit of this ordinance and the intent of the Master Plan, and stated that the ordinance exists so that structures can be replaced, like in this case. P. Monziona and P. Larochelle agreed.

L. LaCourse motioned to approve the request for a Special Exception in application Z16-04, with the conditions that there would no expansion of use with running water of any kind. Second by P. Monziona. The motion passed by unanimous vote. (3-0-0.)

Z16-06 David & Cindy Avery	Map 19; Lot 37-3	Special Exception Drew Hill Road
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P. Monziona confirmed that there was no agency letter and that the applicants were representing themselves. He also confirmed that the abutters were notified. A copy of the deed, set backs, and wetlands were reviewed. The applicant noted that he had not supplied a topographic map.

L. LaCourse motioned to accept application Z16-06 as complete. Second by T. Morgan. The motion passed by unanimous vote. (3-0-0)

David Avery stated that he is seeking to building a barn for storage purposes. There was a review of the permitted table of uses, Section 401.10, and it was noted that a special exception would be required because this was in the rural zone.

The structure will be in compliance with the setbacks, and will be eighty-six feet back (86'). There was discussion about the specific zoning regulations in the table of permitted uses. It will be a non-habital structure. P. Monziona reviewed the ordinance, and confirmed that it will be compliant. The structure will have electricity.

P. Monziona opened up the meeting to public input. There were no comments.

P. Monziona asked if the applicant had seen the comments from the Alton Fire Deputy Chief Richard Brown. He asked D. Avery to review the comments and asked if he would be agreeable to comply with, and D. Avery stated that he would comply with the recommendations, including comments about heating, lightweight trusses, and windows.

P. Monziona moved the board to the worksheet:

P. Monziona stated that the plan **had been accepted** in accordance with the Town of Alton Zoning Ordinance Section 520 B, T. Morgan and L. LaCourse agreed.

L. LaCourse stated that the specific site **is** an appropriate location for the use and noted it was a large lot. T. Morgan and P. Monziona agreed.

T. Morgan stated that factual evidence **is** found that the property values in the district will be reduced due to incompatible use, and noted that this was replacing a garage that was already there. L. LaCourse, and P. Monziona agreed.

P. Monziona stated that there **is no** valid objection from abutters based on demonstrable fact, and noted that there were no abutters. T. Morgan and L. LaCourse agreed.

L. LaCourse stated that there **is no** undue nuisance or serious hazard to pedestrian or vehicular traffic including the location/design of access ways and off-stage parking. He discussed the setbacks and felt it would not cause an issue in any way. P. Monziona and T. Morgan agreed.

T. Morgan stated that adequate and appropriate facilities and utilities **will** be provided to ensure proper operation of the proposed use or structure. He noted that the applicant was going to have electricity but not water. L. LaCourse and P. Monziona agreed.

P. Monziona stated that the sewage **is** accurate area for safe and sanitary sewage disposal and water supply., and confirmed that there was no need because there would be no water. T. Morgan and L. LaCourse agreed.

L. LaCourse stated that the proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan, and stated that the ordinance exists so that structures can be replaced, like in this case. P. Monziona and T. Morgan agreed.

L. LaCourse motioned to approve the request for a Special Exception in application Z16-06, with the conditions that the building would be built on dry land and would meet all of the setbacks, as well as meeting all state and federal requirements, and the fire department's recommendations. Second by T. Morgan. The motion passed by unanimous vote. (3-0-0.)

There was a brief recess.

P. Monziona called the meeting back to order.

Z16-01 Colin C. Spence	Map 38; Lot 30	Variance 26 Keewaydin Drive
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Paul Zuzgo requested to have his application continued to the March 3, 2016 meeting.

Motion by L. LaCourse to grant the request for the continuance of, Case Z16-01, to the March 3, meeting, and that this would not count against the applicant. Second by T. Morgan. The motion passed by unanimous vote. (3-0-0)

Z16-02 & Z16-03 Golden Arch Limited Partnership	Map 26; Lot 11	Variance 15 Homestead Place
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John Kucich requested to have his application continued to the March 3, 2016 meeting, as well.

Motion by L. LaCourse to move the application, Case Z16-02 and Z16-03, to the second to the last position in the agenda, under New Applications. Second by T. Morgan. The motion passed by unanimous vote. (3-0-0)

Motion by L. LaCourse to grant the request for the continuance of, Case Z16-02 and Z16-03, to the March 3, meeting, and that this would not count against the applicant. Second by T. Morgan. The motion passed by unanimous vote. (3-0-0)

VI. OTHER BUSINESS

J. Dever reported that the town had prevailed in a recent court decision against Mr. Mark Hanson, and reported that the court ordered Mr. Hanson responsible for legal fees, storage fees for a car that was purchased from a third party from Mr. Hanson.

S. Miller joined the meeting at approximately 7:10 p.m.

There was discussion about the civil forfeitures that were requested, and the petition. P. Monziona discussed the case and the importance of following up on zoning laws. He commended J. Dever for his documentation of the case, and the history of the case.

There was a brief discussion about meeting minutes. P. Monziona requested that the board table the meeting minutes until the next meeting.

L. LaCourse motioned to defer the approval of the meeting minutes from December 3, 2015 and January 7, 2016 until the next meeting. Second by T. Morgan. The motion passed by unanimous vote. (4-0-0)

VI. ADJOURNEMENT

L. LaCourse motioned for adjournment. Second by T. Morgan. The motion passed by unanimous vote. (4-0-0)

The meeting adjourned at approximately 7:20 p.m.

The next meeting is scheduled for March 3, 2016 at 6:00 p.m.

Respectfully Submitted,

Krista Argiropolis