

## **TOWN OF CHESTER ~ ZONING BOARD OF APPEALS**

### **MINUTES OF DECEMBER 28, 2010**

ATTENDANCE: John Grady, Arnold Jensen, Bill Oliver, Ken Marcheselli, and Secretary, Pat Smith. Absent were Mary Jane Dower and John MacMillen.

MINUTES: On a motion by Mr. Grady, seconded by Mr. Jensen, the Minutes of the November 23<sup>rd</sup> meeting were accepted, as presented. Motion carried 4/0.

CORRESPONDENCE: ZBA Minutes of November 23, 2010; Planning Board Minutes of November 15, 2010 and December 20, 2010; Zoning Office Activity for November 2010; Letter from Engineer, Bret Winchip offering revisions on Baumis Variance #395-V; and letter from Mr. Edwin Donald in favor of the Baumis project.

CONTINUATION OF PUBLIC HEARING: Chairman Marcheselli called the meeting to order at 6:00 p.m. Having been tabled at the November meeting, the Public Hearing for application #395-V for Michael Baumis was then opened for continuance.

Applicant was represented by Engineer, Bret Winchip. Property is located at 121 Kingsley Lane, Tax Parcel #86.14-1-31, a Moderate Intensity Land Use Area. Since the November meeting, applicant reconfigured his original plan for installation of a garage and porch to his existing dwelling. The house is believed to have been constructed in the 1950's or 1960's prior to the adoption of zoning regulations in the Town. The location of the current house predates the zoning and was not created by the applicant.

Applicant now proposes a six foot wide rear entry porch extending across the width of the structure to afford a covered entrance to the residence at the new rear entry door. This construction will result in a further rear yard encroachment of six feet and extends the nonconformity at only the northwest corner of the property.

The reconfigured plans show the garage relocated from the rear of the residence to the east side, in order not to further encroach on the rear yard setback. The size of the garage has been reduced in width from twenty feet to eighteen feet, but results in a four foot four inch side yard encroachment to the neighboring Donald property. The Donald's were in attendance and had submitted a letter to the board, explaining that they had no problem with the proposed plans.

The new location will reduce the requested area variance to a reasonable level, but will also require the relocation of the septic tank, allowing the septic field at the front of the house to remain in place and useable.

Following presentation, the Board reviewed the required criteria, as follows:

1. Whether benefit can be achieved by other means feasible to applicant:

Applicant has revised the original plans.

2. There will be no undesirable change in the neighborhood character or to nearby properties;

3. The request is not substantial with regard to the existing structure and its placement on the lot.,

4. The request will not have any adverse physical or environmental effects; and

5. The alleged difficulty is not self-created, in that original zoning would have allowed it.

The board finds, therefore, on a motion by Mr. Jensen, approval for a rear yard setback variance of 31 feet, 11 inches, and a side yard setback variance of four feet, four inches.

Motion was seconded by Mr. Oliver, and carried 4/0.

ADJOURNMENT: On a motion by Mr. Grady, seconded by Mr. Oliver, the meeting adjourned at 6:35 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary