



**MINUTES OF MEETING
ZONING BOARD OF APPEALS ~ TOWN OF CHESTER
JULY 23, 2013**

ATTENDANCE:

Chairman Ken Marcheselli, Mary Jane Dower, Bill Oliver, Arnold Jensen, John Grady, Jeremy Little (Secretary). Absent was John MacMillen.

MINUTES:

Chairman Ken Marcheselli asked for a motion to accept or amend the previous Zoning Board of Appeals minutes held on February 28, 2012. Mr. Oliver made a motion to accept; seconded by Mr. Jensen. Motion carried 5-0.

PUBLIC HEARING:

Having been duly advertised, Chairman Marcheselli opened the Public Hearing at 7:00 p.m.

#407-V ~ David and Melinda Garrison - Michael Rice, Designer for MacMillen Construction was in attendance to represent the applicant. The applicant is seeking relief for two (2) side line setbacks of two (2) feet. The proposed project is for the construction of a single family dwelling, located at Blythewood Island Road, in a Moderate Intensity Land Use Area, and identified as Tax Map Parcel #86.5-1-4.

Mr. Marcheselli began the meeting by stating that the application was completed and submitted by John MacMillen, who is the contractor for the project. Furthermore, he recused himself from the project and was not in attendance at the meeting.

Mr. Rice explained the Garrisons' request is to build a new single family dwelling; however, upon review of the size of the property, he noted that the construction of the home would be limited. As a result, he encouraged the Garrisons to keep within the setback requirements as much as possible. He explained to the Board the maps demonstrate the house design to be within the setback lines, but the roof overhangs would encroach over the lines.

Mr. Marcheselli questioned if the application is for a fifteen (15) feet setback with a two (2) feet variance. Mr. Rice agreed and stated that the Garrisons' application is asking for a two (2) feet sideline variance for the overhangs on each side.

Present at the meeting was a neighbor, Mr. John Dunnigan, who owns a dwelling located at 134 Blythewood Island Rd. Also in attendance was Mr. Charles Smith who owns a dwelling at 132 Blythewood Island Rd. Mr. Dunnigan was concerned the variance was for a ten (10) ft. setback with a two (2) ft. variance. However, after reviewing the plot plan for this application, he stated that he had no issue with the proposed project and that it was clear to him that it was for a fifteen (15) ft. setback and **not** for a ten (10) ft. setback.

Mr. Oliver questioned Mr. Rice about the topography and the proposed placement of a septic tank and well on the property. In reply, Mr. Rice stated that John MacMillen, the contractor for the project, has visited the property and examined its slope and contours. Regarding the septic tank and well, Mr. Rice explained that Zack Monroe designed the engineered septic plans, which have already been approved by the Town of Chester Zoning Administrator.

Mr. Grady stated his observation is that the direction of this variance is "the reasonable thing to do... and that it is the correct approach." Mr. Jensen and Mr. Dunnigan (neighbor) agreed with Mr. Grady's statement.

Mr. Marcheselli asked Mr. Rice if the application involves a variance on both sides of the proposed project. Furthermore, the Board agreed that the application includes two variances - one for each side of the dwelling.

Following discussion, criteria for an Area Variance were reviewed and the findings were as follows:

- 1.) The board agreed that the benefit cannot be achieved by other means feasible to the applicant;
- 2.) The board agreed that there would not be an undesirable change in neighborhood character or to nearby properties;

3.) The board agreed that the request is not substantial, as the variance only requests for a two (2) feet sideline variance on each side;

4.) The board did not believe there would be adverse physical or environmental effects; and,

5.) The board agreed that the alleged difficulty is not self-created.

Mr. Marcheselli closed the public hearing for application #407-V at 7:14 p.m. Mr. Grady made a motion to approve both two (2) foot variances. The **first** two (2) ft. variance on the Westerly-most sideline; the **second** two (2) ft. variance on the Easterly-most sideline in connection with application #407-V. Mrs. Dower seconded the motion. All in favor, none opposed. Motion carried 5-0.

CORRESPONDENCE: None.

OLD BUSINESS:

****A DISCUSSION ENSUED CONCERNING APPLICATION #406-V FROM THE FEBRUARY 28, 2012 MEETING FOR ROBERT WILLIAMS WHO REQUESTED A VARIANCE TO ACCOMMODATE THE ADDITION OF A SIDE STAIRWELL AND LANDING TO THE SECOND FLOOR OF HIS GARAGE.****

PUBLIC PRIVILEGE: None.

BOARD PRIVILEGE: None.

ADJOURNMENT:

Mrs. Dower made a motion to adjourn the meeting at 7:39 p.m.; seconded by Mr. Grady. Motion carried 5-0.

Respectfully submitted,

Jeremy J. Little

Secretary

Zoning Board of Appeals