

Town of Day Zoning Board of Appeals

Minutes - Regular Meeting – January 20, 2005

Members Present: Kearney Mason
Ray Ives
Pat Volpe
Kathy Prud'homme
Judy Traeger
David Avigdor, Attorney

Absent:

Kearney Mason called the meeting to order at 7:00 P.M.

Minutes A Motion was made by Judy Traeger, seconded by Pat Volpe, to accept the minutes of the December 20, 2004 regular meeting. Motion carried 5-0.

PUBLIC HEARING

Lemma, Charles – 04-04ZBA – Tax Map #32018-1-15

Public Hearing was opened at 7:05pm. Mr. Lemma addressed the board stating that there is no other means of building a garage.

PUBLIC PRESENT

Charles Lemma
Lucille Lemma
Michael Fennell

The secretary received no correspondences from the public regarding this application.

After everyone was heard that wanted to be heard, the public hearing was closed at 7:20pm

Old Business

Lemma, Charles – 04-04ZBA – Tax Map #32018-1-15

North Shore Road

Looking for a side yard and front yard variance to build a garage.

The board reviewed criteria for an area variance and the results were as follows:

❖ **Can the benefit be achieved by other means?**

Ray Ives – yes, by building a smaller one car garage

Judy Traeger – yes, by reducing the size of the garage

Kearney Mason– yes, by moving the garage

❖ **Undesirable change in the neighborhood character?**

Everyone agrees that this is not an issue

❖ **Is the request substantial?**

Everyone feels that a 47' front yard variance is very substantial

❖ **Will this have adverse physical or environmental effects?**

Pat Volpe – feels that the proposed garage will cause a problem in the winter with snow plowing

❖ **Is the alleged difficulty self-created?**

Judy Traeger and Kearney Mason – The size of the lot is not the fault of the applicant, but the garage could be placed elsewhere or made smaller in size

After reviewing all the information a motion was made by Pat Volpe and seconded by Ray Ives to deny the variance based on the following: The negative effects out weighs the positive:

Negative

1. The proposed garage can be achieved by alternative means such as a one car garage instead of a two car garage or building a retaining wall and moving the location of the garage;
2. The variance is too substantial;
3. The garage will have an adverse effect due to the closeness to the public road because of snow removal

Positive

1. Not self-created

The motion to deny the variance was carried 5-0.

New Business

Conway, Margaret & Fennell, Michael 04-05ZBA –Tax Map 31.16-1-54
14 Abeling Road

Looking for a side yard variance to build a garage.

A motion was made by Judy Traeger and seconded by Ray Ives to accept the application as complete and to set a public hearing for February 22, 2005. Motion carried 5-0.

Correspondence

None

Secretary Report

None

Public Participation

None

Meeting adjourned

At 7:50pm a motion was made by Judy Traeger and was 2nd by Ray Ives to adjourn meeting. Motion carried 5-0.

Respectfully submitted,

Rebecca D'Allaird - Clerk