

**TOWN OF DAY - ZONING BOARD OF APPEALS
PUBLIC HEARING & REGULAR MEETING
JANUARY 22, 2015 - DRAFT
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Member Present:

Chairman Dave Davidson
Judy Traeger
June Dixon
Lorraine Newton
Donald Poe

Absent: None

Also Present:

Attorney David Avigdor

7:00 PM - Chairman Dave Davidson asked for approval of the Final Draft of the December 15, 2015 minutes.

Motion, made by Judy Traeger, seconded by Lorraine Newton, to **approve** the **December 15, 2015 Regular Meeting Minutes** of the Zoning Board of Appeals.
Ayes: Chairman Dave Davidson, Judy Traeger, June Dixon, Lorraine Newton and Donald Poe

Carried 5 – 0

PUBLIC HEARING –

7:02 PM

Ladd, Ronald & Juanita

Tax Map #31-1-8.2

Subdivision – Area Variance

With proof of notice available that the legal notice for the Public Hearing for Ronald & Juanita Ladd was published according to law, the Public Hearing proceeded as follows:

Chairman Dave Davidson explained that the purpose of the public hearing being held this evening was for the Zoning Board of Appeals to decide if an area variance will be granted.

Ronald & Juanita Ladd applied to the Town of Day Planning Board to divide the lot under tax map #31-1-8.2 into two parcels. This action was denied and the matter referred to the Zoning Board of Appeals for permission to create a sub-standard lot. If the area variance is granted by the Zoning Board of Appeals the matter will go back to the Planning Board who will hold a Public Hearing. If the Town of Day Planning Board chooses not to grant the sub-division request the area variance disappears.

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Chairman Dave Davidson asked for people in the audience to come forward and speak. Catherine Ledger, who owns property within the notification zone, asked whether the purpose of this action was just to divide property as there is two houses there already. Chairman Dave Davidson explained that the Ladd's are requesting their property be divided into two lots with one house on each lot and creating a title for each lot.

Everyone present being given an opportunity to speak a motion was made to close this Public Hearing.

Motion, made by Judy Traeger, seconded by June Dixon, to **close this Public Hearing**, was made at 7:08 PM.

Ayes: Chairman Dave Davidson, Judy Traeger, June Dixon, Lorraine Newton and Donald Poe

Carried 5 – 0

Chairman Dave Davidson asked the other Zoning Board of Appeals members if everyone had a chance to visit the lot, to which they all replied - yes.

Donald Poe stated that he feels there is plenty of road frontage for both lots and the rest of the Zoning Board of Appeals agreed.

Chairman Dave Davidson stated that regarding the area variance criteria, if we grant variance tonight they would form the motion in the correct format.

Chairman Dave Davidson asked - can it be achieved by other means? Lorraine Newton replied that she sees no other means that are feasible.

Chairman Dave Davidson stated that its clear that benefit can't be achieved by other means. June Dixon agrees.

There will be no change to nearby property.

Chairman Dave Davidson asked if the request is substantial. Judy Traeger stated that it isn't and everyone else on Board agrees.

Attorney David Avigdor stated that the difference is 1 ½ acres – strikes him as substantial and that he would hate to have a situation in the future where this is used as an example. Donald Poe replied that this is nature of zoning, sees Attorney Avigdor's point. Attorney David Avigdor stated that clearly there is no other way to achieve this. June Dixon stated that it's substantial but it already has two homes on the property.

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Chairman Dave Davidson stated that Attorney David Avigdor's point is more to precedence. Attorney Avigdor stated that in an application for variance an area change of approx. 20% is substantial.

Chairman Dave Davidson poled members of the Zoning Board of Appeals on whether or not they felt it is substantial:

June Dixon – Yes

Donald Poe – No

Lorraine Newton – Yes

Judy Traeger – No, not with size of property.

Chairman Dave Davidson – Not substantial.

Chairman Dave Davidson poled members of the Zoning Board of Appeals on whether or not they felt there will be an adverse affect:

Judy Traeger – No

Lorraine Newton – No

June Dixon – No

Donald Poe – No

Chairman Dave Davidson – No

Regarding undesirable change – the Zoning Board of Appeals has determined that since there is no change to the lot therefore there is no undesirable change.

Regarding adverse physical or environmental effects the Zoning Board of Appeals feels that there is no effect as there is no change.

Regarding whether or not the difficulty is self created all of the Zoning Board of Appeals members feel it is not.

Motion, made by Donald Poe, seconded by Judy Traeger, to **grant an area variance** to Ronald & Juanita Ladd and Tracey Ladd (tax map #31-1-8.2).

Ayes: Chairman Dave Davidson, Judy Traeger, June Dixon, Lorraine Newton and Donald Poe

Carried 5 – 0

Attorney David Avigdor instructed Town Clerk Carol Vaillancourt to put this matter on the Planning Boards agenda for March 02nd, 2015 as it will now go back to the Planning Board for their consideration for sub-division.

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No other old business.

Lorraine Newton asked if the Planning Board will put restrictions on the sub-division, to which Attorney David Avigdor replied that the Planning Board can if they choose to.

Motion, made by Lorraine Newton, seconded by Judy Traeger, to **adjourn** this Regular meeting of the Zoning Board of Appeals was made at 7:24 PM.

Ayes: Chairman Dave Davidson, Judy Traeger, June Dixon, Lorraine Newton and Donald Poe

Carried 5 – 0

Carol Vaillancourt
Town Clerk