



**TOWN OF MADISON
ZONING BOARD OF ADJUSTMENT
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**ZBA APPROVED MINUTES
JANUARY 16, 2019**

CALL TO ORDER: Chairman Lucy called the meeting to order in the Town Hall meeting room at 6:01pm.

PLEDGE OF ALLEGIANCE: Mr. Anderson led those in attendance in the Pledge of Allegiance.

ATTENDANCE: Mrs. King called the roll:

Mark Lucy, Chair - Present.	Henry Anderson - Present.
Mark Totman - Present.	Ken Hughes - Present.
Stuart Lord - Present.	Bebe Bartlett, Alternate - Present

OTHERS PRESENT: Ron Briggs, Margarete Stevens, Colleen King - Land Use Administrator,
Carol Dandeneau- Madison TV Videographer.

MEETING NOTICE/ ELEVATION OF ALTERNATES:

Mrs. King reported that tonight's meeting was posted on January 2, 2019 in the Conway Daily Sun, Madison Town Hall upper and lower levels and the Madison & Silver Lake Post Offices.

There was a full 5-member board for voting on tonight's hearing and Alternate Bartlett will participate in the discussion.

PUBLIC HEARING:

CASE # 19-01: Variances are requested pursuant to Madison Zoning Ordinance Article V, Section 5.9 A by agent Ron Briggs, for owners Margarete and James Stevens on property located at 22 Island Drive, Map 107, Lot 43, in the Rural Residential Zone to permit the following:

- A) a 10' x 20' x 8' portable vehicle shelter to be within 44' 2" from the centerline of the roadway where 75' is required and 16' 4" from the westerly side lot line where 25' is required,
- B) a 12' x 20' x 8' portable vehicle shelter to be within 44' 6" from the centerline of the roadway where 75' is required and
- C) a 10' x 20' x 8' portable vehicle shelter to be within 38' 7" from the centerline of the roadway where 75' is required. And 19' from the right side lot line, where 25' is required.

CONFLICT OF INTEREST:

The Board was individually polled for any conflicts of interest with Case #19-01:

Mr. Lord - No	Mr. Totman - No
Mr. Anderson - No	Mr. Lucy - No
Mr. Hughes - No.	Mrs. Bartlett - No

REGIONAL IMPACT:

The Board was individually polled on whether this case had regional impact:

Mr. Lord - No Mr. Totman - No
Mr. Anderson - No Mr. Lucy - No
Mr. Hughes - No. Mrs. Bartlett - No

RULES OF PROCEDURE/ SWEARING-IN:

Mr. Lucy reviewed the Rules of Procedure and swore-in those who wished to speak on this application.

PRESENTATION: Mr. Briggs surveyor for the owners explained the history of the property.

In 2003, a Variance was granted to add onto the existing house within 16' 6" of the westerly property line and to place a shed within 14' 4" of the easterly property line. These variances were never acted on. The owners are requesting to vacate these approved 2003 variances and apply for Variances for 3 portable shelters, (as described above.)

BOARD QUESTIONS:

Mr. Lord asked for clarification on the location of the existing home and the proposed locations for the portable shelters. Mr. Briggs stated that the measurements in the application are correct.

Mr. Lucy verified that the previous Variance # 11-03 to relocate the existing home and add living area and garage to the west of the building. It was approved on September 22, 2011, not 2003. As of today' date, the house has not been relocated and the garage has not been built. The owner's are relinquishing their rights to the Variance # 11-03, in the event that tonight's application is approved. The building permits were reviewed.

When Mrs. Bartlett asked why the Variances were not acted on, Mrs Stevens stated that this neighborhood did not justify the expense incurred by acting on the 2011 Variance.

Mr. Lucy asked how the 3 violations were discovered. Code Enforcement Officer Boyd received a call from a neighbor about these violations. The Building Permit was filed in November 2018 and indicates that the cost for the 3 portable shelters is \$1000. When asked, Mrs. Stevens stated that it is not a huge financial loss.

Mr Briggs stated that on-going incidents of vandalism are the reason why they need these shelters.

Mr. Lord clarified that these shelters are carports.

Mr. Lucy asked how long have these shelters been in place. Mrs. Stevens stated that shelters A & B have been in place for 6 years and shelter C, for 5 years.

Mr. Lord asked what makes this property distinct from the surrounding properties? Mr. Briggs explained that with the location of the existing home, there is more open space from the house to the water than from the house to the road. However, all the lots in the subdivision are basically the same and there is nothing distinct about this lot.

Mrs. Stevens stated that there is nothing unique about this lot.

Mr. Briggs stated that there is a shed 14' from the property line which was granted relief in the 2011 Variance.

Mr. Lord clarified that a portion of the approved 2011 Variance was acted upon and inquired about the construction of these shelters. All 3 shelters are a tubular metal frame covered with canvas.

Mrs. Bartlett asked about the shed on the left side of the house. Mrs. Stevens stated that there was a hot tub in it but it does not have a permit.

Mr. Lord asked about the installation date of the hot tub. Mrs. Stevens stated in 2009.

Mr. Lord summarized their 5 carports and sheds:

- there are 3 carports without permits that do not meet setbacks,
- a shed was granted a Variance but moved to a different location which now violates setbacks,
- a hot tub in a shed with no permits.

Mr. Lucy stated that the record shows that this is a problem that the applicant created themselves.

PUBLIC COMMENT:

Mr. Lucy opened the Hearing for anyone to speak for or against this application.

Hearing none, Mr. Lucy closed the Public Comment portion of the Hearing.

BOARD DISCUSSION:

Mr. Lucy lead the discussion with the full Board participating.

Mr. Anderson stated that the lots are too small and variances are needed for these sheds. This house and area was established before Eidelweiss.

Mr. Totman remarked that with the 3 shelters almost blocked the view of the house.

Mrs. King clarified and Mr. Lucy confirmed that the application was filed as single Variance request for all three shelters.

MOTION:

Mr. Lucy made a **MOTION** to close the Public Hearing and proceed to Deliberation. Mr. Hughes seconded.

A Yes vote means that the Board is prepared to deliberate and make a decision tonight.

All 5 members voted Yes to go into Deliberation.

DELIBERATION:

Mr. Hughes expressed his concern with shelters A & C and that one of the purposes of zoning is to protect the natural beauty of the environment which provides the unique character of the town. He can understand the need for a garage, but not 3 individual structures.

Mr. Lucy reviewed that the house is grandfathered and there are 5 other structures on the lot that are non-forming. There are two other non-conforming structures on the property and asked that Mr Boyd be informed. The applicant has placed these since in 2011.

Mr. Lord stated that this is one application for 3 sheds and the Board should not put conditions on it. This lot is not unique with special conditions from other properties. The other non-conforming shed and unpermitted hot tub enclosure should be brought to Bob Boyd's attention.

Mr. Totman asked if two sheds could be combined so there would be not as many sheds.

Mr. Lucy stated that Zoning Ordinances are in place to protect landowners from those

VOTE: Mr. Lucy called the Vote: Case #19-01 Variance for 3 Quonset Hut type structures, all of which are outside of the building envelope;

All those in favor in granting the Variance - None.

All those opposed - 5. The appeal has been **DENIED**.

Mr. Lucy reviewed the 30-Day Appeal period stating that day one begins on January 17, 2019.

APPROVAL OF DECEMBER 19, 2018 DRAFT MINUTES: The Draft Minutes were reviewed with edits made. **MOTION** was made by Mr. Lucy, seconded by Mr. Anderson, with no further discussion.

VOTE: Mr. Lord, Anderson, Hughes and Lucy approved. Mr. Totman and Mrs. Bartlett abstained.

ADMINISTRATION: Mrs. King handed out a new court update on Equitable Waivers and the 2019 meeting calendar. The deadline day was verified to be on Tuesday at noon, 22 days prior to the meeting date.

ADJOURNMENT:

Mr. Lucy made a **MOTION** to adjourn; Mr. Hughes seconded. All Approved.

The meeting adjourned at 7:18pm.

Respectfully submitted,
Colleen King, Land Use Administrator

These minutes were APPROVED at the August 21, 2019 ZBA meeting.