

**Town of Amherst  
Zoning Board of Adjustment  
Tuesday March 19, 2019**

ATTENDEES: D. Kirkwood- Chair, C. Vars, J. Ramsay, D. Pray, R. Rowe and Staff G. Leedy

The Chair called the meeting to order at 7:08pm, explained the ZBA process and introduced the board members and staff present.

**NEW BUSINESS:**

**1. CASE #: PZ11046-022119 – VARIANCE Adrian & Rahel Menig (Owners & Applicants), 27 Middle Street, PIN #: 017-105- 000 – Request for relief from Article 4, Section 4.3D, Paragraph 3 to reduce the setback requirement from 50’ to 16’ from the Amherst Street lot line and to increase the allowable height of the garage from 22’ to 25’. Property located in the Historic District**

Adrian Menig, owner presented the case.

He noted he changed the application after submission. The new height request is for 23’, not 25’.

He reviewed the tests as follows:

1. The purpose of these dimensional requirements is to prevent overcrowding and to produce a consistent orientation of buildings in a neighborhood. Since the Village was largely developed before zoning standards were in place, the neighborhood has many buildings that do not conform to the zoning dimensional standards, and if allowed, this proposal will not be any different than multiple other buildings in the Village.

The height variance requested will not conflict with the purpose of the ordinance because the additional height will not be readily discernible, and it will not impair the view of the neighbors. The main house is 23’4” high.

Granting the variance will not threaten public health, safety or welfare in any way.

2. Granting the variance will ensure the spirit of the ordinance for the following reasons:

The proposal is consistent with the character of the neighborhood. We designed the garage to fit with the time period.

The variance would allow for multiple mature trees to be left intact. No trees will be cut.

The height variance will allow the structure to look like a barn with a steeper pitch roof (9/12) and have enough wall height on the second floor to properly fit egress-sized windows.

The variance will allow the garage/barn to be placed in a way so as not to crowd the main house and to look as natural and historic as possible. He has a ½ acre lot and after working with the designers, this is the best, most natural placement for the structure.

3. This variance request will not harm the general public or other individuals in any way. The set back variances I am requesting are not from a neighboring property, but from a public road. I would not be unfairly moving the building closer to abutting private property, but rather to a public road. The benefit of having a garage will be amazing. My home currently does not have a garage and there’s limited storage space in the main house. Creating the garage will offer:

A place to park our cars, especially during winter months

Equipment/ tool storage, snow blower, lawn mower etc

Work bench area

Seasonal item storage and other storage needs

4. The value of surrounding properties will not be diminished for the following reasons:

The barn/garage will be designed and built to fit into the historical village.

The variance will allow the garage to be placed in the most aesthetically pleasing location and keep mature trees in place.

The height variance will not be minimizing anyone's views or property values.

I believe the garage will increase the value of the property and in return increase the value of the neighboring properties.

5. The general public purpose of the ordinance provisions are to prevent overcrowding and to provide a consistent pattern of development. This proposal will not cause overcrowding and will be consistent with the development pattern established in the Village. This is an existing non-conforming lot and the location of the garage as proposed causes the minimum amount of change to the neighborhood possible, given the location of mature trees, the existing house and adjacent roads.

The proposed use is reasonable. It will allow me to build a garage, which currently does not exist. Almost all houses in the area have an attached garage or detached barn/garage structure.

He further explained the height requested is one foot above what is allowed. The setback from the road does not allow him any place on his property to add the structure within the requirements.

It will be constructed to fit in with the historic district.

C. Vars asked, where would the garage doors be?

On the 24' side of the garage facing the driveway.

C. Vars stated some trees may need to come down. Mr. Menig explained where the trees are located and how the garage placement avoids them.

C. Vars inquired why it's 35' long when 34' or 36' is normal for construction. There's no specific reason- he measured his vehicle and proposed storage area and came to 35'.

C. Vars wondered if the garage is two stories.

It will be 1.5 stories with a 4' wall and loft space above.

C. Vars thought they might meet the front setback. G. Leedy clarified since it's a corner lot, they have two front setbacks.

J. Ramsay inquired the reasoning for an egress window.

It leaves the possibility for an office or extra living space in the future.

C. Vars wondered in relation to hardship, how long is the existing house, barn and garage? It's 18 feet which would be tight. Also, that space has been remodeled into living space- it's not storage.

R. Rowe would prefer the garage be located 20'-25' off of and parallel to Middle Rd with the access to remain with the existing driveway.

D. Kirkwood wondered where the trees are located on the property. Mr. Menig explained on the map where the trees are located. D. Kirkwood discussed with Mr. Menig how Bob's suggestion could blend with retaining the trees.

D. Kirkwood wondered if any other locations for the garage were discussed with the Historic District Commission. Only one other location was discussed, but the leach field is in that area, so it was dismissed.

C. Vars agrees with R. Rowe regarding the placement of the garage.

The Applicant stated he also took into consideration the general landscape plan they have for their property and this location works best for the property owners.

C. Vars wondered if it's appropriate to table the case until after the HDC meeting.

Discussion occurred as to the procedures and outcomes possible from the HDC.

C. Vars is not uncomfortable granting the variance, but he is uncomfortable with the location.

Mr. Menig explained he has been before the HDC for the past two months and the location was never discussed as an issue for that group. He would prefer to have the variance first and then go before HDC.

G. Leedy reviewed procedural options for moving forward. The board discussed several options.

D. Kirkwood said the ZBA prefers to have input from the other committees involved before ruling.

R. Rowe said the applicant has the right to put in a garage, but he believes there is a better location.

Meeting schedules and deadlines were discussed. G. Leedy clarified he can waive the deadline requirement for the next meeting and receive an amended application if needed. Even if a new application needs to be provided, that can be done prior to the next meeting in time to re-notice the abutters.

Mr. Menig mentioned he could keep it in the same location but rotate it to be parallel to the house. He really prefers not to put it close to Middle Rd. due to overall landscape of the property. The HDC would probably have an issue with it being so close to Middle Rd. affecting passerby's on the sidewalk. There are trees buffering the view from Amherst St and the traffic there is moving quickly so the proposed location would be more out of the way from view.

C. Vars suggested rotating the structure and moving it over a short distance. He explained his reasoning which is better visually and functionally.

**C. Vars moved and D. Pray seconded to enter deliberations. All in favor**

#### **CASE PZ11046-022119**

**J. Ramsay moved no regional impact. C. Vars seconded. All in favor**

**J. Ramsay moved to table the case to April 16<sup>th</sup>. R. Rowe seconded. All in favor**

**J. Ramsay moved and C. Vars seconded to exit deliberations. All in favor**

#### **OTHER BUSINESS:**

##### **3. Minutes: February 19, 2019**

**R. Rowe moved, and D. Pray seconded to approve the minutes of February 19 as submitted. All in favor**

##### **4. ZBA Membership**

G. Leedy reported that R. Rowe and D. Pray were successfully elected and sworn in.

R. Panasiti has requested to withdraw as an alternate due to his other commitments.

R. Giarrusso also requested to withdraw as an alternate.

145 D. Pray may have suggestions for alternate members.  
146 J. Ramsay suggested we ask R. Panasiti not to resign. The board will understand that he is not able to  
147 attend meetings frequently but could be called if a quorum will not be present. Not only a quorum, but  
148 the board prefers to hear cases with five members present.  
149 His term has expired, so if he is agreeable to remaining, he has to be appointed.  
150  
151 **R. Rowe moved to nominate D. Kirkwood for Chair. C. Vars seconded.**  
152 **C. Vars moved to close nominations. J. Ramsay seconded. 4 in favor with D. Kirkwood abstaining**  
153 **Vote for Chair: 4 in favor with D. Kirkwood abstaining**  
154  
155 **C. Vars moved to retain R. Rowe as Vice Chair. D. Pray seconded.** No other nominations were made.  
156 **4 in favor with R. Rowe abstaining**  
157  
158 **R. Rowe moved to nominate J. Ramsay as Secretary/Treasurer. C. Vars seconded.** No other  
159 nominations were made. **4 in favor with J. Ramsay abstaining.**  
160  
161 **5. Rules of Procedures**  
162 Revised Rules of Procedures were distributed at the last meeting.  
163 D. Pray explained the comments and suggestions she has regarding the document. The board discussed  
164 the wording in question.  
165  
166 Edits will be made to the document to be presented at the next meeting.  
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168 **C. Vars moved to adjourn at 9:04 pm. D. Pray seconded. All in favor**  
169  
170 Respectfully submitted,  
171 Jessica Marchant