

**Town of Amherst
Zoning Board of Adjustment
DRAFT - Tuesday, June 17, 2014**

ATTENDEES: Doug Kirkwood- Chair, Joe Taggart- Vice Chair, Charlie Vars,
ABSENT: James Quinn, Alex Buchanan, Rob Rowe, Will Sullivan

D. Kirkwood called the meeting to order at 7:18pm and explained the ZBA process. He noted the board was only comprised of three (3) members and stated three (3) affirmative votes would be required for an item to be approved. He also indicated the applicants had the opportunity to continue to the July meeting when a full board would be present, should they choose. He stated the first three (3) items on the agenda were continued from the May 20, 2014 meeting.

The case was read by J. Taggart.

1. Case #PZ PZ4938-042114 – Variance

William & Dorothy Larson, 37 Broadway, PIN# 025-061-000 – requests relief from §III, 3.2,E of the Zoning Ordinance to demolish and rebuild family home in the Residential/Rural Zone.

D. Kirkwood asked if there was a motion to untable the case. J. Taggart made the motion to untable case #PZ4938-042114. C. Vars seconded the motion; vote unanimous.

Attorney Andy Prolman, applicant, requested the case be continued to the July 15, 2014 meeting. D. Kirkwood asked if there was a motion. J. Taggart made the motion to continue case #PZ4938-042114 to July 15, 2014. C. Vars seconded the motion; vote unanimous.

The case was read by J. Taggart.

2. Case #PZ4939-042114 – Variance

William & Dorothy Larson, 37 Broadway, PIN# 025-061-000 – requests relief from §IV, 4.3, D1&2 of the Zoning Ordinance to allow encroachments to the setbacks in the Residential/Rural Zone.

D. Kirkwood asked if there was a motion to untable the case. J. Taggart made the motion to untable case #PZ4939-042114. C. Vars seconded the motion; vote unanimous.

Attorney Prolman, applicant, requested the case be continued to the July 15, 2014 meeting. D. Kirkwood asked if there was a motion. J. Taggart made the motion to continue case #PZ4939-042114 to July 15, 2014. C. Vars seconded the motion; vote unanimous.

The case was read by J. Taggart.

3. Case #PZ4940-042114 – Variance

William & Dorothy Larson, 37 Broadway, PIN# 025-061-000 – requests relief from §IV, 4.3, D1&2 of the Zoning Ordinance to demolish and rebuild family home in the Residential/Rural Zone.

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46 D. Kirkwood asked if there was a motion to untable the case. J. Taggart made the motion to
47 untable case #PZ4940-042114. C. Vars seconded the motion; vote unanimous.

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49 Attorney Prolman, applicant, requested the case be continued to the July 15, 2014 meeting. D.
50 Kirwood asked if there was a motion. J. Taggart made the motion to continue case #PZ4940-
51 042114 to July 15, 2014. C. Vars seconded the motion; vote unanimous.

52
53 D. Kirwood noted the reason for the continuation of the previous three (3) cases was due to the
54 lack of board members.

55
56 The case was read by J. Taggart.

57 **4. Case #PZ5038-052314 – Variance**

58 Randall Neukam, 5 Pavillion Road, PIN #006-005-000 – requests relief from §IV, 4.3, D3 of the
59 Zoning Ordinance to locate a structure within seven (7) feet of the side property line in the
60 Residential/Rural Zone.

61
62 Todd Cote, representing the applicant, requested the case be continued to the July 15, 2014
63 meeting. D. Kirkwood asked if there was a motion. C. Vars made the motion to continue case
64 #PZ5038-052314 to July 15, 2014. J. Taggart seconded the motion; vote unanimous.

65
66 The case was read by J. Taggart.

67 **5. #PZ5039-052314 – Variance**

68 Brian Handwerk, 3 Manchester Road, PIN #018-040-000 – requests relief from §IV, 4.3, D4 of
69 the Zoning Ordinance to locate a garage within the rear yard setback in the Residential/Rural
70 Zone and Historic District.

71
72 Mr. Handwerk began by noting the proposed use as a two (2) car garage is a reasonable use as
73 there is a preponderance of two (2) car garages in the neighborhood. Most lots in the village
74 were similar to this one in their small size. They looked at many options and this was the best
75 solution in order to maintain the historic character of the home. The abutter requested the
76 doors to the garage not face her outdoor space but she supported the proposal.

77
78 Mr. Handwerk spoke in reference to the tests as follows.

- 79 1. The Variance will not be contrary to the public interest.

80 They have looked at this project for several years and noted the one (1) abutter, Jean
81 Hogan, wrote a letter in support of their proposal. The letter was submitted to them
82 after they had turned in their application. They submitted copies to the board. They do
83 not believe the addition will have a negative impact and it will eliminate on-street
84 parking near the town hall and preserve the historic feel of the area.

- 85 2. The Variance is consistent with the spirit and intent of the Ordinance.

86 The property is small and the zoning ordinance approves garage additions such as this
87 and which will comply with the Historic District Committee guidelines. It will add off-
88 street parking for them and will not adversely affect the visual impact in the area. This is

the only location for the garage that will not disturb the historical nature of the original home. There is a tree and a rock wall they would like to have remain in place as well.

3. Substantial justice is done.

In granting relief, they will be modifying a relatively small portion of a recent zoning template to permit them to add a commonplace addition that is similar to those in the neighborhood and will be consistent with every other requirement of the many applicable regulations.

4. The values of the surrounding properties will not be diminished.

The sole abutter has submitted a letter in support of this request, which is similar to additions at most homes in the area. This will enhance neighboring property values as nearly all of them have negotiated the zoning ordinance to allow for their additions.

5. Literal enforcement of the provisions of the Ordinance would result an unnecessary hardship.

The hardship in this case is dimensional; the lot is small and is sloped. If this wasn't approved they would only have the option to add a single car garage, which wasn't what they wanted. They could have changed the direction the doors and driveway apron faced but that would face the neighbor's patio. This type of addition is common in the village with houses on small lots.

D. Kirkwood asked if the garage could be moved to the edge of the setback it could give them about twenty one (21) feet of width.

B. Handwerk replied the problem is topographic; there is a pitch of ten (10) to twelve (12) feet to get into the garage and they need space to install a staircase to get into the main house. The basement in the back is at ground level. If this is placed out of the setback then two (2) bays are impossible. There is also a foundation issue and they would impact the historical integrity of the house if they pull the garage forward.

C. Vars noted the scale was different on the architectural plan and the plot plan and neither was accurate when reduced. D. Kirkwood noted there was a discrepancy in the plan labeling as well. He noted scale was important because they were trying to figure out the real impact on the setback. He suggested the architect and surveyor get together and work on a usable scale. C. Vars asked how far the abutter's home was from the property line. J. Taggart replied it was 99.6 feet.

D. Kirkwood asked the applicant to go over the hardship question again. B. Handwerk replied the hardship was due to the dimensions of the property. If the addition was to go to the north side of the house, an additional curb cut on Manchester Road would be required and the septic system is there.

D. Kirkwood noticed the date of the letter from Jean Hogan was missing. Alice Handwerk replied it was caught and torn in the copy machine.

132
133 C. Vars noticed the turnaround out of the proposed garage is too small for the blacktop as
134 shown on the plan. Cars today measure between eighteen (18) and twenty (20) feet in length
135 and the turnaround is shown to be only six (6) feet, which is not enough and needs to be
136 addressed.

137
138 D. Kirkwood noted the only thing the board is voting on tonight is the encroachment into the
139 setback. He suggested the applicant get together with the architect and surveyor to work out
140 the discrepancies and possibly make the garage width narrower.

141
142 D. Kirkwood asked if there were any further questions from the board or from the public.
143 Seeing none, he asked if the board was ready to go into deliberations.

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145
146 C. Vars moved to go into deliberations. J. Taggart seconded. Vote Unanimous
147

148 **DELIBERATIONS:**

149 J. Taggart moved that all cases tonight have no regional impact. C. Vars seconded. Vote
150 Unanimous

151
152 **5. Case #PZ 5039-052314 – Variance**

153 1. The Variance will not be contrary to the public interest.

154 J. Taggart True - the board does not set precedent but this is a typical village lot and this is a
155 reasonable use.

156 D. Kirkwood True

157 C. Vars True

158 3 True, 0 Untrue

159
160 2. The Variance is consistent with the spirit and intent of the Ordinance.

161 J. Taggart True – the ordinance deals with physical encroachment and if they put the addition
162 on the north side of the house, a curb cut is necessary on Manchester Road. This solution
163 preserves public safety.

164 D. Kirkwood True – this is in the Historic District and there are architectural requirements they
165 are keeping in mind.

166 C. Vars True

167 3 True, 0 Untrue

168
169 3. Substantial justice is done.

170 C. Vars True - they have demonstrated the lot is small and today families are larger and need
171 more room. This request is consistent with the zoning ordinance.

172 J. Taggart True - the abutter doesn't want the doors facing her outdoor space and they don't
173 want to compel the applicant to encroach on the historic portions of the house.

174 D. Kirkwood True

175 3 True, 0 Untrue

176
177 4. The values of the surrounding properties will not be diminished.
178 J. Taggart True
179 C. Vars True
180 D. Kirkwood True
181 3 True, 0 Untrue
182
183 5. Literal enforcement of the provisions of the Ordinance would result an unnecessary hardship.
184 C. Vars True – It’s reasonable and there is very little space to do anything close to what they
185 want to do within the setback.
186 J. Taggart True – It is a reasonable use due to the specific conditions of the property and there
187 will be no harm to the public welfare.
188 D. Kirkwood True
189 3 True, 0 Untrue
190
191 With the application having passed all the tests, the Chair stated that the variance is granted.
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193 **Old Business:**
194 **Minutes:**
195 The board voted unanimously to table approval of the May 20, 2014 minutes to the July 15,
196 2014 meeting.
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198 J. Taggart moved to adjourn at 8:50pm. C. Vars seconded. Vote Unanimous
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200
201 Respectfully submitted,
202 Kathryn Parenti