

**Town of Milford
Zoning Board of Adjustment Minutes
March 1, 2007
Jay Harrison/Norma Bisson
Case #6-07
Variance**

Present: Len Harten, Chairman
 Kathy Bauer
 Bob Levenson
 Fletcher Seagroves
 Ron Pieper, Jr.

Secretary: Kathryn Parenti

The applicant, Jay Harrison, along with Norma Bisson, owner of Map 22, Lots 55-1 and 58, North Street, in the Residence "A" district, are requesting a variance from Article II, Section 2.010 to permit the construction of a single family home on each lot with no frontage on a principle route of access.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

L. Harten, opened the regular meeting of the Milford Zoning Board of Adjustment at 7:30 pm. He then stated that the hearings are held in accordance with the Town of Milford Zoning Ordinances and the applicable New Hampshire statutes. He continued by informing all of the procedures of the board. He then introduced the board.

He continued by reading the notice of hearing into the record. He then read the abutters list; the applicant, Jay Harrison was present, Norma Bisson, owner, was present along with her daughter, Gail Sweet; Ross Gangloff of 48 North Street, Elizabeth Osborne of 27 North Street, Paul Huston of 41 North Street and Mary Carter of 40 North Street were present. He invited the applicant forward to present the case.

Attorney Silas Little began by stating he was representing the applicant and would be presenting the case. He began by stating relief was being sought to allow the applicant to place single-family homes on Map 22 Lot 55 tract 2 and Map 22 Lot 58.

K. Bauer asked if he had authorization to represent the application, since there was no letter indicating this in their packets.

L. Harten read the authorization letter from Norma Bisson into the record.

S. Little continued by stating that Map 22 Lot 58 consisted of 4.04 acres and lot 55 - tract 2 consisted of .56 acres. The access to the back lot would be from a common drive from Map 22 Lot 55 tract 1. There would be municipal water and sewer; no wells or leach fields. The Town of Milford Zoning Ordinance states that lots of record prior to the subdivision regulations must have fifteen (15) feet of frontage on a class V or better road; neither lot has this. Due to the wetlands, the best use and protection of the property would be placing a single family dwelling on it. In the outer lying areas, wetlands were not field located but were located using an aerial map. The surveyors did do field mapping on the affected areas. The proposed use of a single-family dwelling is permitted in the district. In relation to the Town of Milford Zoning Ordinance, the proposed intent would meet the town objectives. They are proposing two single-family dwellings on a total of 4.6 acres, which is very low density. The proposed houses are removed from the street and will not affect abutting properties, which will have the same aspect as they currently have. He stated this was referenced in a letter from Denise Hippert, realtor. The Boccia standard is met and an area variance is required due to the special circumstances that predated the Zoning Ordinance. The special conditions are they are seeking to provide access with a minimum impact to wetlands, mainly a minor intrusion in the wetland buffer. There may be alternative proposals for the property but single family detached structures is the best way to do this. Using historic lots of record, single-family dwellings are the best answer. Jay Harrison, the applicant, has been active in Milford in the past and Mrs. Bisson is a long time resident.

L. Harten asked if the board had any questions at this point.

B. Levenson inquired about the length of the driveway/easement.

S. Little replied that he believed the driveway would be approximately three hundred (300) feet long; it was a guess, since he did not have a ruler.

B. Levenson asked if Map 22 Lot 121 was vacant.

S. Little replied it was an undeveloped lot and there was a shed on Map 22 Lot 55 - tract 2.

B. Levenson noted that the lots are not split out on the tax maps.

S. Little referred to the deed, book 1188, page 394 and the surveyed plan, showing Map 22 Lot 55 tract 1 and tract 2 as separately described parcels. J. Harrison had a copy of the deed, if the board would like to look at it.

B. Levenson asked if the present owner purchased the lots at the same time.

S. Little purchased Map 22 Lot 58 in 1968 and Map 22 Lot 121 was purchased in 1972. He stated Meridian was very reliable in deed references.

K. Bauer read from Meridian Land Services description of Mrs. Bisson's land, which is enclosed in the application: *"Lot 22-55: Lot 22-55 was acquired by the Bissons as two separate tracts in a deed from Henry and Lucy O. LaPointe on May, 11 1948, in deed 1188/394. The first tract is the portion of the lot bordering on North Street. The second tract is shown as the northeasterly portion of lot 22-55."* She stated that since the tax maps are not always accurate, it sometimes throws the board off. She stated that two lots of record are referenced and were purchased together in 1948.

F. Seagroves had no questions.

R. Pieper had no questions.

L. Harten stated that S. Little had touched on some of the points of the criteria required for a variance and asked him to continue.

1. The proposed use would not diminish surrounding property values because:

S. Little stated the proposed use would be similar in nature to that which is allowed in the Residence "A" district and that which currently exists in the neighborhood. Any proposed development will be single-family dwellings that will compare to or be more substantial than the abutting properties.

2. Granting the variance would not be contrary to the public interest because:

S. Little stated this was a fairly large piece of land with significant wetlands. The Proposed use would be minimally intrusive, they would maintain the area and it would have no adverse affect. The new dwellings would use a private driveway and they would not create a new street.

3. Denial of the variance would result in unnecessary hardship to the owner because:

a. The zoning restriction as applied to the property interferes with the reasonable use of the property, considering the unique setting of the property in its environment such that:

S. Little stated there is not enough frontage, fifteen (15) feet on a class V or better road. The lots are and would be maintained separately, it would be difficult to create frontage and it would be detrimental to the wetlands area.

b. That no firm and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property because:

S. Little stated the area variance allows the reasonable use of the property and the benefit of the proposed two single-family homes cannot be obtained by any other application of the ordinance.

4. Granting the variance would do substantial justice because:

S. Little stated the plan as a whole achieves substantial justice; it minimizes the affect of building on two lots and would not intrude on the wetlands.

5. The use is not contrary to the spirit and intent of the ordinance because:

S. Little recognizes the problem with situations prior to the adoption of land use control. A residential use can be accomplished with no great dangers to abutters and would not be contrary to the spirit and intent of the zoning ordinance.

L. Harten read the letter from Denise Hippert, realtor, into the record since S. Little referred to it earlier. He stated this was just one opinion from one realtor. He asked if there were any questions.

R. Pieper asked about the timeline for construction.

J. Harrison replied he was hoping to start with construction on Map 22 Lot 121 first, then to Map 22 Lot 55 - tract 2. He would begin this after the 30-day appeal period was over and the ten days after closing with the sellers.

R. Pieper asked when he was hoping to be finished.

J. Harrison stated he hoped to be finished within a year or two.

K. Bauer asked if they were restricted by the growth management ordinance.

J. Harrison stated he was not.

B. Levenson stated the threshold for the growth management ordinance was four building lots.

K. Bauer stated this was a unique situation, lots of record created before the Zoning Ordinance was created. She felt the board has to consider the rights of the property owner, if this is the only option for the back lots, without taking away their rights.

L. Harten stated the ordinance speaks of her comment, of fifteen (15) feet of frontage on a principle route of access.

K. Bauer stated the lots are being taxed for current use and this is just a consideration.

L. Harten stated that it certainly creates a hardship. He then asked if any abutters had any questions. Paul Huston, abutter, stated he lived on Map 22 Lot 54, right next to the proposed easement. He felt that the easement, at twenty (20) feet wide, was as wide as North Street. It would create an intersection that would be right next to his house that didn't exist before.

L. Harten asked how close to his driveway is the proposed easement.

P. Huston stated his driveway is two (2) feet from the easement.

K. Bauer asked where his house was on the lot.

P. Huston stated it was in the center of the lot, toward the front. The road that would be next to his house, which would be intruding in the wetlands buffer area, concerned him. He stated part of the wetland buffer goes into his backyard. The proposed road would be crowned for drainage; where would the drainage go? He felt that it looked like the water would flow to his backyard and onto Map 22 Lot 121 and 55 - tract 2. He stated his lot floods every spring and he was afraid, with the additional drainage, there would be more water and it would flood his garage. He stated his yard floods every year and he has lived there for five years.

K. Bauer asked if the builder could address this question.

S. Little stated the proposed driveway is a twenty (20) foot wide easement and there would not be twenty feet of travel way. It will be as wide as the Town of Milford requires and he believes it is sixteen (16) feet. The twenty (20) feet is for drainage ditches and a culvert to minimize the runoff, not increase the current conditions. He stated he was not an engineer but he has worked with Meridian and they can accommodate appropriate structures to assure there would not be an increase in drainage on P. Huston's property as a result of the driveway.

L. Harten asked if the access would be paved.

J. Harrison replied yes, it would.

B. Levenson asked if there would be any Planning Board oversight.

K. Bauer stated there would be none; she had checked.

L. Harten replied that the building inspector would review it.

K. Bauer stated the Department of Public Works would be involved with the road construction and curb cut but they would not be overseers.

J. Harrison stated that would be addressed with the driveway permit that will be submitted with the construction of the second house.

B. Levenson expressed some concern with the three-lot subdivision that has a three hundred (300) foot driveway with no oversight as a unit, with some impact on wetlands and buffers.

P. Huston stated that at the point where the access road comes out onto North Street, headlights from the exiting cars would shine into the neighbor's bay window directly across the street. He again expressed his concern for the added intersection and the access road being parallel to his driveway and thus not allowing much room for drainage.

L. Harten stated it would not be a heavily traveled road.

P. Huston replied the only people who drive on the road are the ones who live there; it is a dead end. His house was not a corner lot when he purchased it and now it will be.

K. Bauer asked if it was possible for the access driveway to be moved more into Map 22 Lot 121. J. Harrison replied that due to the size of the building envelope, they could move it over some but the building envelope would be reduced.

B. Levenson wondered if the house could be moved to the south.

J. Harrison stated it could be done.

L. Harten inquired about the topography of the lot.

J. Harrison stated it was flat. He reiterated what S. Little said, that the twenty (20) foot easement includes drainage and once it's engineered, no extra runoff would go onto P. Huston's lot.

B. Levenson stated taking vegetation and building on it would cause more run off; it changes the permeability of the land.

R. Pieper inquired about the distance between the proposed easement and the driveway on the neighboring lot.

P. Huston said there was two feet between the two.

R. Pieper asked about snow removal.

J. Harrison said that no snow would be moved into the abutting yards; the only snow would be from the side of the plow. He stated approximately a fourteen (14) foot wide path would be plowed.

Gail Sweet stated her father had originally owned the house currently owned by P. Huston. Her father had installed a logging road on Map 22 Lot 121 and at the time, it did not impact wetlands behind the house and that was before there was environmental protection. The old driveway went back along where the proposed easement is to go.

L. Harten asked if the logging road is in the same location as the easement.

G. Sweet stated you could still see the dirt road that was used by the logging trucks, which had no problems going back to the rear area; it was more in the middle of the lot.

K. Bauer asked if the building envelope and the easement could be moved southward.

J. Harrison stated it was possible to move the building envelope.

S. Little stated the proposed house is centered on the frontage of the lot. If moved, it would be on the edge of the side setback.

K. Bauer stated you might gain three (3) or four (4) feet to ease the crunch on the side property line.

S. Little replied if they place the house on the side setback line, they would gain more clearance on P. Huston's side of the lot.

L. Harten inquired about the proposed set back for Map 22 Lot 55 - tract 1. The required setbacks are fifteen (15) feet from the side property line; he wondered what the proposed dimension was and how much room the applicant had to play with.

J. Harrison stated the proposed house was approximately twenty five (25) feet from the side property line.

S. Little stated the corner of the proposed house was twenty five (25) feet from the property line and they could probably move the house, conservatively, about seven (7) feet, maybe more, just inside the junction of the front and side setbacks.

L. Harten said he didn't want the easement to be so close to the house as to become a problem.

K. Bauer asked if they could move the house seven (7) feet and then move the easement seven (7) feet further away from P. Huston's property.

Frank Ward of 40 North Street, owned by Mary Carter, said not much of the land is usable and he sympathizes with Mrs. Bisson. He lives across from the property and is concerned with backing out of his driveway with the easement across the way; it could be dangerous. The wetlands are much larger in the spring and he felt there would be problems in the spring with the large easement snaking through them.

L. Harten stated they are still allowed to build on the North Street lot, no matter what the outcome of the hearing is. The field located wetlands were mapped in February and who knows what will happen in the spring.

S. Little stated the wetlands were field located in the fall of 2006 after a very wet fall.

B. Levenson noted that the wetlands, as noted on the plan, were delineated in December 2006 and were field located in February 2007.

S. Little stated he had misspoken; that a wetlands scientist walked the land in December 2006 and it was surveyed in February 2007; a wetlands scientist had to find the wetlands and the surveyors located the flags placed by the scientist to delineate the wetlands.

Norm Fisk, a neighbor, stated there had been extensive construction north of his property and he was concerned this property could be developed more densely. They could place condominiums with higher densities on the property. He felt that three single-family homes going on the property appropriately might be the best solution. Bartlett Commons in Amherst has 54 houses and is a much higher density than the proposed three houses, in this case. He concluded by saying the best neighbor is a vacant lot but if the owner needs to sell and develop the land, three houses on four acres is the best option.

K. Bauer said he made a good point about density. They could consolidate and pursue this as a subdivision possibility and they could put more homes on the land than proposed here. Another option would be senior housing with lots of residents, lots of cars. She stated she sympathized with the abutters but this is the lowest density that can be proposed allowing people to have rights with their property.

Judith Osborne, who lives with Elizabeth Osborne, stated the property is lower than the street. She wondered how the sewer would get up the slope to the street.

S. Little stated they would install a pump to take the sewage up to the street level.

J. Harrison stated the property was lower than the street but not enough to notice with the naked eye but not too low to not use gravity. At the rear of the lot, it drops about 2.5 feet down.

L. Harten stated the sewer line would be buried and would be well below the level of the road. The engineer and the building inspector would look at that.

J. Osborne stated their house was on Map 22 Lot 56 and three of the last four years they have had water in their basement; it was very wet in the spring. The previous owners could not build on the rear lot due to the wetlands; she said they had gone to the Zoning Board and were denied.

J. Harrison stated those water issues will not happen; it will be engineered correctly.

S. Little stated Kevin Lynch, zoning official, was unable to find any other cases that had come before the board on this piece of property.

L. Harten asked if there were any more questions.

J. Osborne asked who would be responsible for maintaining the easement.

S. Little replied the lot owners would be responsible and there is an accepted standard driveway easement, approved by the Town of Milford, one that is commonly used in Wilton, that will be used.

L. Harten reiterated whoever governs the easement deals with the maintenance; it would not be the responsibility of the town.

S. Little replied the town will not have any obligation to maintain the easement; it will be the responsibility of the owners.

B. Levenson stated it would be of benefit to all three parties since the lot on North Street provides the access.

L. Harten asked if this would be a separate, recorded document from the deed.

S. Little stated it would be recorded separately, so the town will be aware of it, and the easement will also be referenced in each deed so all property owners are aware of it.

R. Pieper asked what the easement really was; was it the driveway?

S. Little stated it was not a public road. He used the phrase driveway to distinguish it from the road or right of way. The drive would be private; a right of way easement.

R. Pieper asked if the right of way was the easement.

L. Harten asked if there were any more questions before he closed the public portion of the hearing.

K. Bauer asked the builder if he would be amenable, if the application was approved that a condition were attached that he moves the easement and building envelope.

J. Harrison replied, after consulting with S. Little, that he would be amenable, as long as there was enough room for a nice front yard.

S. Little stated they would be able to turn the house ninety (90) degrees to provide more area for the easement; the narrow part of the house would face North Street.

R. Pieper asked where the driveway for that house would go, if it would enter onto North Street.

J. Harrison replied the driveway would go into the easement.

S. Little stated they had always intended for the driveway to come off the easement.

R. Pieper asked a procedural question: there are three lots and three houses, why is there only one request? He wondered why there were not three requests. He wanted to make sure they were doing this correctly.

L. Harten stated they are all tied together and there is no problem with that.

B. Levenson stated that Map 22 Lot 121 is not part of the request, as a buildable lot of record. He asked the applicant if he was planning to develop all lots at the same time.

J. Harrison stated he might build one and begin to build the next one before the first one sells.

S. Little stated they were planning to install the water and sewer lines for all three lots at the same time.

B. Levenson stated he was concerned with the lack of general oversight on the development and the impact on many areas.

S. Little replied that the structures are common to all three lots and K. Lynch, Building Inspector, will review all three lots and overview parts that are common to all three lots. He suggested that could be a condition for approval, if the board wished.

J. Harrison agreed.

B. Levenson stated he had some concerns with water flow; once the land is developed, water flows change, especially with wetlands that were delineated in December and February.

K. Bauer wanted to reaffirm that they would be developing the whole easement or right of way and not just portions of it. She also inquired about the water and sewer hookup.

J. Harrison stated if that was a contingency, then yes.

S. Little said the water and sewer intention because they will be tapping into the main lines; they will hook all three up at one time. He was not sure about the driveway but the plans would be developed to show the whole project and all hookups to town services would be done at the same time.

K. Bauer stated she had some concerns regarding the road. In past cases, the road was not developed to accepted standards right away; she hoped this would not be the case here.

S. Little stated he had confidence in K. Lynch, that all of this would be done at the time of the issuance of the certificate of occupancy.

B. Levenson asked if they had spoken with the Conservation Commission.

S. Little stated they had not since they have tried to stay out of their area of jurisdiction.

K. Bauer suggested that the Conservation Commission walk the land, due to the wetlands and wetland buffer questions that have come up.

L. Harten asked if she proposed to delay the decision until the Conservation Commission looks at the situation. He asked if she felt the building inspector could deal with it.

K. Bauer replied that she was just looking for a written opinion by the Conservation Commission but she felt the building inspector could deal with it.

L. Harten replied that a report, subsequent to tonight's decision wouldn't make any sense.

K. Bauer felt the Commission should look at the easement that is proposed and let them know what they think the affect on abutting property and drainage would be.

R. Pieper stated he was looking at public harm and the spirit of the ordinance; this falls beyond the scope of responsibility of the board at this meeting. The request is based on the lack of frontage and not drainage issues.

K. Bauer stated it could diminish values but she didn't know how big the water issue is. She felt there was some relevance and it was not totally out of the board's scope.

L. Harten asked if she was making a proposal.

K. Bauer stated they could go forward with the officials that are involved with the project. There are new homes, a subdivision and they are lots of record. She didn't feel that strongly about having a Conservation Commission report before they make a decision.

B. Levenson stated he would like to see one full plan for all three lots.

L. Harten said they could make a condition that the Conservation Commission has to review the complete plans.

K. Bauer stated that could take time and could hold up their decision by two or three weeks, because of when the Conservation Commission meets.

B. Levenson stated they were a very knowledgeable group and he felt he didn't know enough about the area to decide what is right or wrong for the area. The Commission has oversight and experience in wetlands.

L. Harten asked if there were any more questions.

K. Bauer stated she wanted the applicants and abutters to know that there are five conditions for a variance that every applicant must meet that are decided by the state and there is case law to back them up. Because of this, the criteria have become more strict. She wanted them to know each member of the board must answer yes to each question for the bottom line vote to be yes.

L. Harten then closed the public portion of the hearing. He stated the board needed to decide if the variance was dimensional or use.

B. Levenson stated that the use is not allowed; one cannot build on a lot without frontage.

K. Bauer stated that has come up many times and this is a dimensional variance because it deals with frontage. They are not asking if a single family home is allowed; they are asking for relief from the frontage requirements.

Is the variance requested a variance from a dimensional requirement of the Zoning Ordinance?

K. Bauer – yes R. Pieper – yes F. Seagroves – yes B. Levenson – no
L. Harten - yes

L. Harten then asked for discussion regarding the criteria for granting a variance.

1. The proposed use would not diminish surrounding property values because:

F. Seagroves stated he was concerned with the water run off. He wondered if they could put a condition on the approval that would have K. Lynch make sure there is not a drainage problem with the road going in. He felt the potential was there.

B. Levenson stated he had some concerns but felt they could put in some safeguards. He felt there would be no diminution of property values; he felt it might improve drainage but it could also make the drainage worse.

R. Pieper stated he felt the concerns were being addressed. He felt granting the variance might make an impact on the property values. He felt he needed more information but was not ready to ask the Conservation Commission to look into it before he made a decision. At this point, there was nothing to indicate impact either way.

K. Bauer stated it would not diminish the value. If they add the two conditions they

discussed, moving the easement and having the Conservation Commission look into it and provide the information to K. Lynch prior to the issuance of a building permit. R. Pieper wondered if they should require something from the Commission and from Meridian.

L. Harten stated if the Commission had any concerns, they would be addressed. He felt this request would not diminish property values; with the movement of the easement, there would be less impact. The use is similar to those in the neighborhood. If there was any input from the Conservation Commission, it would get to K. Lynch and any problems could be resolved without a lot of effort.

2. Granting the variance would not be contrary to the public interest because:

K. Bauer felt it would not be contrary.

R. Pieper felt the potential for flooding should be addressed here, along with the number of entrances. There will be lower density than is in the rest of Residence "A" and there is no reason for two entrances onto North Street.

F. Seagroves felt this would not be contrary.

B. Levenson agreed, provided the conditions are in place.

L. Harten agreed.

3. Denial of the variance would result in unnecessary hardship to the owner because:

a. The zoning restriction as applied to the property interferes with the reasonable use of the property, considering the unique setting of the property in its environment such that:

b. That no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property because:

c. The variance would not injure the public or private rights of others since:

K. Bauer said these are lots of record and are an example of special conditions of the property. The three lots could be merged and they could request a special exception for senior housing with a much greater density, as one of Mrs. Bisson's options. This is the most reasonable option for the board to give relief for; if denied, it would result in unnecessary hardship.

F. Seagroves agreed.

R. Pieper stated he agreed as well; there was a unique circumstance present and denying the request would result in unnecessary hardship to the owner.

B. Levenson stated he was not sure if the alternatives would be an improvement over the proposed plan. This plan has the least amount of impact.

L. Harten stated they were lots of record with no frontage and that speaks to the hardship issue. He felt this was the least impact on the property as opposed to what could go there if the lots were combined. If this request was denied, it would be unnecessary hardship to the owner.

4. Granting the variance would do substantial justice because:

R. Pieper felt that granting the variance would do substantial justice; you can't identify that the gain to the public outweighs the hardship. He stated he did understand the concerns of the abutters but he wasn't sure if preserving the wetlands is enough gain present to outweigh the potential loss to the owner.

K. Bauer stated they are lots of record and you cannot take away the rights of the property owner.

F. Seagroves agreed.

B. Levenson stated the conditions are integral to the entire conversation.
L. Harten also agreed; they are existing lots of record.

**5. The use is not contrary to the spirit and intent of the ordinance
Because:**

B. Levenson stated yes, it is not contrary, for all the reasons stated before.

K. Bauer felt the use was not contrary.

R. Pieper felt the spirit of the ordinance is to maintain lower density and in this zone, the potential for higher density is there; this maintains the spirit of the ordinance.

B. Levenson stated Residence "A" has the smallest required square footage.

K. Bauer stated there is low density in residence a for single family homes and their accessory buildings. They could not get two uses on one lot.

L. Harten felt this had the least impact on the surrounding lots and neighborhood and would not violate the spirit and intent of the ordinance.

Following some discussion on the wording of the conditions, L. Harten asked for a motion for the proposed conditions.

K. Bauer moved to add the condition that: **1. The applicant will move the easement southward at least seven (7) feet and move the proposed house on Map 22 Lot 121 as far south as possible while keeping it within the required setbacks.**

B. Levenson seconded the condition.

R. Pieper – yes F. Seagroves – yes K. Bauer – yes B. Levenson – yes

L. Harten – yes

K. Bauer moved to add the condition that: **2. The Conservation Commission, as a board, reviews the effect of the easement on Map 22 Lots 121 and 55 – tract 2 and abutting properties and submit their recommendations to the building inspector.**

R. Pieper seconded the motion.

F. Seagroves – yes B. Levenson – yes R. Pieper – yes K. Bauer – yes

L. Harten – yes

R. Pieper moved to add the condition that: **3. There will only be one means of egress onto North Street for Map 22 Lot 121.**

K. Bauer seconded.

F. Seagroves – yes B. Levenson – yes K. Bauer – yes R. Pieper – yes

L. Harten – yes

B. Levenson moved to add the condition that: **4. The applicant must submit a complete site plan for Map 22 Lots 121, 55 – tract 2 and 58.**

R. Pieper seconded the motion.

F. Seagroves – yes K. Bauer – yes R. Pieper – yes B. Levenson – yes

L. Harten - yes

1. Could the variance be granted without diminishing the value of abutting property?

K. Bauer – yes R. Peiper – yes F. Seagroves – yes B. Levenson – yes

L. Harten – yes

2. Would granting the variance be contrary to the public interest?

K. Bauer wanted the board to be clear that if they voted no on this question, the answer is yes, it would not be contrary.

R. Pieper – no F. Seagroves – no B. Levenson – no K. Bauer – no

L. Harten – yes

3. Would denial of the variance result in unnecessary hardship?

F. Seagroves – yes B. Levenson – yes K. Bauer – yes R. Pieper – yes
L. Harten – yes

4. Would granting the variance do substantial justice?

B. Levenson – yes K. Bauer – yes R. Pieper – yes F. Seagroves – yes
L. Harten – yes

5. Could the variance be granted without violating the spirit of the ordinance?

K. Bauer – yes F. Seagroves – yes R. Pieper – yes B. Levenson – yes
L. Harten – yes

L. Harten asked for a motion to approve case #6-07, request for an area variance.

K. Bauer made the motion.

B. Levenson seconded.

Final Vote

F. Seagroves – yes B. Levenson – yes K. Bauer – yes R. Pieper – yes
L. Harten - yes

Case #6-07, a request for an area variance, was unanimously approved.

L. Harten reminded the applicant of the thirty (30) day appeal period.