

**Town of Milford
Zoning Board of Adjustment Minutes
September 20, 2007
Richard Buckman
Case #33-07
Special Exception**

Present: Katherine Bauer – Vice Chairman
Fletcher Seagroves
Bob Levenson
Steve Bonczar – Alternate

Absent: Len Harten - Chairman
Ron Pieper, Jr.

Secretary: Kathryn Parenti

Richard Buckman, Sr., owner of 45 Melendy Road, Map 42, Lot 66-2, in the Residential “R” district, is requesting a special exception from Article V, Section 5.045.A to permit the construction of a farmer’s porch, twenty-eight (28’) ft from the front property line.

Motion to Approve: _____
Seconded: _____
Signed: _____
Date: _____

K. Bauer, vice chairman, read the notice of hearing into the record. There was some discussion regarding which section of the Zoning Ordinance should apply in this case, whether it is 5.045.A: *“Each structure shall be set back at least thirty (30) feet from the front property line.”* or 5.042.G: *“Reduced front, side and rear setbacks”*. K. Parenti stated she would ask K. Lynch which would be the more applicable section. K. Bauer stated if the notice needed to be changed, they would amend it.

K. Bauer then read the list of abutters into the record; Richard Buckman, applicant, was present. She then invited the applicant forward.

B. Levenson asked if there was a problem since both owners of the property weren't present. He felt, technically, there should have been some authorization from the second owner, allowing R. Buckman to speak on her behalf.

F. Seagroves stated he did not have any issues with it, along with K. Bauer and S. Bonczar. K. Bauer asked the applicant if he would be willing to sign the waiver of right to a five person board and explained the applicant would not be able to appeal any decision made by the board based on the fact there were only four (4) members present.

R. Buckman signed the waiver. He then began to explain his reason for appearing before the board. He stated he was adding a thirty two (32) foot by eight (8) foot farmer's porch to the front of his house.

B. Levenson asked who had made the measurements.

K. Parenti noted the measurements were made by K. Lynch, Zoning Official and Code Enforcement Officer.

B. Levenson noted he was satisfied that they had been done by Code Enforcement.

K. Bauer asked where the entrance to the porch would be as it was not shown on the plan. She also wondered if that should have been stated in the notice of hearing.

R. Buckman noted the entrance was one step in the front of the porch since the porch would be low to the ground.

K. Bauer asked the applicant to go through the five criteria for a special exception.

1. The proposed use that be similar to those permitted in the district:

R. Buckman replied neighboring residences have porches on the front.

S. Bonczar noted it would be an enhancement to the house as well.

K. Bauer clarified the question is asking if the use is similar to those in the district, as allowed the special exception in the Zoning Ordinance.

2. The specific site is an appropriate location for the proposed use:

R. Buckman stated it is a house and a porch goes on a house.

B. Levenson stated it was a front porch on the front of a house.

3. The use as developed will not adversely affect the adjacent area because:

R. Buckman noted there would still be thirty five (35) feet on the right side of the house and thirty nine (39) feet on the left side of the house between the porch and the road.

4. There will be no nuisance or serious hazard to vehicles or pedestrians:

R. Buckman replied there would be none.

5. Adequate appropriate facilities will be provided for the proper operation of the proposed use:

R. Buckman replied this did not apply.

B. Levenson clarified the porch will have a step.

K. Bauer asked if there were any more questions. Since there were none, she closed the public portion of the hearing. She asked if there were any comments. There were no additional comments so K. Bauer called for a vote.

1. Is the exception allowed by the ordinance?

S. Bonczar – yes F. Seagroves – yes B. Levenson – yes K. Bauer – yes

2. Are the specified conditions present under which the exception may be granted?

F. Seagroves – yes B. Levenson – yes S. Bonczar – yes K. Bauer – yes

K. Bauer asked if there was a motion to approve the case.

B. Levenson made the motion to approve case #33-07 as presented.

F. Seagroves seconded the motion.

Final Vote:

B. Levenson – yes S. Bonczar – yes F. Seagroves – yes K. Bauer – yes

K. Bauer reminded the applicant there was a thirty (30) day appeal period.