
Zoning Board of Appeals Minutes 9/25/18 - 12 Laurel Banks

ZBA Hearing Minutes

Address: 12 Laurel Banks

2 separate special permit applications for the same property

Application #'s 19-01 and 19-02

Date: 9/25/18

Hearing began at: 2:51pm

Members Present: Jonathan Levin, Chair, Stanley Ross, Clerk, Susan Cooper, Gary Shaw and Scott Jenssen

Also present: Chris Blair, Charlie Ferris, Barbara Rosenbaum, Michael Rosenbaum, Peter Close, Don Torrico

Today's hearing was continued from the 5th of September. The applicant requested that the public portion be reopened. A motion was made to reopen the hearing which was seconded and unanimously approved.

Charlie Ferris and Chris Blair provided an update on the revisions made to the plans to address the concerns that the Board had at the previous meeting. The only concern with the revised plans was the ¾ bathroom in the studio since it will now be attached to the home. The applicant agreed to take the shower out of the bathroom making it a ½ bath to alleviate any concerns about the future use of the space.

At this point the public portion of the hearing was closed and the Board began their deliberations. The Board agreed that the revised plan was substantially better than the original plans submitted as far as the bylaws and the ZBA's jurisdiction.

Following documents were submitted to the Board:

- Application dated July 3, 2018;
- Site plans dated June 2018, Kelly, Granger and Parsons (labeled Exhibit A);
- Existing conditions and proposed construction and elevation plans prepared by Christopher Blair dated May 29, 2018, revised September 17, 2018, as orally amended to delete shower in studio (labeled Exhibit B);
- Publication, Letters and Comments read into the public record (Exhibit C)

The Board made the following findings:

- The property is in the Lake Shore District and fronts on Lake Buel.
- The property is non-conforming due to lot size, lack of frontage and a non-conforming single family dwelling on the lot. The lot and existing non-conforming single family dwelling are grandfathered under the current bylaw.
- Applicant seeks a Special Permit to permit expansion of the non-conforming dwelling by slightly turning the house within the lot to take the structure out of the side and lake front set-backs and by increasing the size of the dwelling from 902 sq. feet to 2006 sq. feet, including the addition of 493 sq. feet for a second floor, additional decks on three sides totaling 346 sq. feet, and a connected studio structure consisting of 402 sq. feet.
- The reconstructed home and studio will take the structure out of the side and lake front setbacks, and remove a garage which encroaches within another setback. The applicant also proposes to create a stone patio on the lake side of the house which patio will encroach into the 40' lake set back, but which is not in excess of that permitted by the by-law.
- The height of the house will increase by 10 feet over the existing height, but will still be below the maximum permitted under zoning of 35'.
- The applicant also proposes to place a deed restriction specifically prohibiting the studio to be used as a bedroom.
- The proposed work will increase the non-conforming nature of the dwelling on the Lot, and the stone patio will encroach upon the 40' lake front set back requirement of the By-Law.
- The neighborhood is densely populated with a large mix of varied size properties. The reconstructed house, while larger than neighboring houses, will not be substantially more detrimental to the neighborhood.

DECISION:

After motion and second, and vote of 5 to 0, the Special Permit was approved, with the following conditions:

- No shower or bathtub may be constructed in the studio.
- Revised engineer stamped site plan to be submitted to ZBA and building inspector before a building permit will be issued confirming the location of the structure as shown on the revised Exhibit B Plans;
- Prior to recording of the Special Permit, Applicant will submit the proposed Deed restriction to the ZBA for approval, and the same will be recorded with the Special Permit.

The applicant requested to withdraw their application (#19-02) without prejudice to reconstruct the garage/studio on a non-conforming lot. The Board unanimously approved the request.

The board concluded that the revised request was in harmony with the general purpose and intent of the Bylaws and will not be injurious, noxious, offensive or detrimental to the neighborhood or town.

The hearing concluded at 3:28pm

Submitted by
Melissa Noe, Administrative Assistant