ZONING BOARD OF REVIEW MINUTES Tuesday September 23, 2014 Meeting 7:00 pm Town Council Chambers, Town Hall

Present: Richard Land, Chair; Renu Englehart, Vice-Chair; Ashley

Cullion, Jody Sceery, Christopher Mulhearn, and Barry Golden

(Alternate).

Staff: Lea Anthony Hitchen, Assistant Town Planner; and Peter

Clarkin, Town Solicitor.

Mr. Land, Chair of the Board, called the meeting to order at 7:00 PM and introduced the members and staff present. He then read the Board's procedures into the record. Each person addressing the Board will first state his or her name and address for the record. The applicant and his or her legal representative will present the case and witnesses may be called to testify. Such testimony must be relevant to the application. Expert witnesses will be sworn in and there will be no prejudgment as to the expertise of any witness. Pictures, diagrams and other documents given to the Board as evidence will be appropriately marked as exhibits and will be retained by the Board for the record. Upon completion of the applicant's presentation all other persons wishing to offer evidence in favor of the application may then do so one at a time. Following that all persons wishing to offer evidence against the application may then do so one at a time. It is asked that comments are confined to the zoning matter being heard and that repetitive remarks are avoided. Cross examination or rebuttal may be allowed if the Board feels it would be appropriate and useful. All questions from the floor will be directed through the Chair only. After all relevant facts have been heard the Chair will call for a motion; the Board will then discuss the motion and the Chair will call for a vote. During the discussion among voting Board members, the Board will not accept and new and further testimony unless it is specifically requested by a Board member. The Board will make every attempt this evening to render a decision. The written decision will be recorded in the Town Clerk's Office as soon as possible following the approval of the minutes of the meeting.

Zoning Board of Appeal Hearings - 7:00 PM

1. Christopher and Robin Neale for property located at 230 Chestnut Drive; Map 45 A.P. 11 Lot 441 (Zoned Residential, R-30). The Applicant requires a Special Use Permit to accommodate an accessory family dwelling unit (in-law apartment) on the property; to specifically bring an existing in-law unit into conformance. Chapter 260 of the Town Code, Zoning Ordinance, Section 9C(2) and Table 1 of the Zoning Ordinance, Table of Permitted Uses by Zone, establish the provision for such accessories to be permitted by special use permit.

Mr. Christopher Neale and Mrs. Robin Neale represented the applicants as owners of the property. Mr. Neale explained he is seeking an approval for an in-law apartment at 230 Chestnut Drive; the home was recently purchased earlier this year and they are in the process of renovating it. He noted the home was purchased with the pre-existing in-law apartment. Mr. Neale commented that he is simply bringing the in-law space info conformity.

Mr. Land stated that he reviewed the application and did not have any questions.

Ms. Englehart asked if the Applicant understood the yearly inspections and the in-law space is only allowed for family members and is not to be rented out.

Both Mr. and Mrs. Neale asserted that they understood with Mrs. Neale adding that it her mother will be living in the in-law apartment.

Mr. Land said that in order for the application to be approved it must meet specific relevant standards, those being the following:

- The public convenience and welfare will be substantially served;
- The proposed development will be in harmony with the general purpose and intent of the ordinance and the comprehensive plan;
- The proposed development will not result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the community; and

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• The granting of the special use permit will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

With no further questions, Mr. Land stated that he believes the application is an appropriate request and meets the relevant standards; furthermore Town Staff recommends that it be approved. He will be voting in favor of the application.

With no public comments Mr. Land asked for a motion.

Motion by Ms. Englehart to approve the application as submitted. Seconded by Ms. Sceery.

VOTE: 5-0.

2. James and Melissa Skinnell for property located at 80 Red Barn Lane; Map 82 A.P. 10 Lot 337 (Zoned Residential, R-30). The Applicant requires a Special Use Permit to accommodate an accessory family dwelling unit (in-law apartment) on the property. Chapter 260 of the Town Code, Zoning Ordinance, Section 9C(2) and Table 1 of the Zoning Ordinance, Table of Permitted Uses by Zone, establish the provision for such accessories to be permitted by special use permit.

Mr. James Skinnell and Mrs. Melissa Skinnell represented the application as owners of the property. Mr. Skinnell explained that he is requesting to convert existing interior space of the home located on the first floor to an in-law suite for his wife's mother.

As he understood the plans, Mr. Land confirmed the Applicant is seeking to permanently enclose the porch and convert space currently being used as a study into the in-law suite. Mr. Skinnell confirmed that was correct.

Mr. Land asked if there will be any alterations to the front façade of the house. Mr. Skinnell said no.

Ms. Sceery affirmed that the Applicant is using the existing structural footprint. Mr. Skinnell verified that was correct.

Mr. Land confirmed that the only request was for the in-law as the new deck will be within the building envelope and there are no setback issues. Mr. Skinnell verified that was correct.

Ms. Englehart questioned if the Applicant understood that the in-law unit was subject to yearly inspections by the Building Official, is only allowed for family members and there is no renting. Mr. and Mrs. Skinnell stated they understood.

Mr. Land said that in order for the application to be approved it must meet specific relevant standards, those being the following:

- The public convenience and welfare will be substantially served;
- The proposed development will be in harmony with the general purpose and intent of the ordinance and the comprehensive plan;
- The proposed development will not result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the community; and
- The granting of the special use permit will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

Mr. Land noted the application and plans have been recommended by Town Staff to be approved as submitted.

With no public comments Mr. Land asked for a motion.

Motion by Ms. Sceery to approve the application as submitted. Seconded by Mr. Mulhearn.

VOTE: 5-0.

Zoning Board of Review Business

1. Minutes: Review/action on the minutes of the July 22, 2014 meetings.

Motion by Ms. Englehart to approve the July 22, 2014 minutes. Second by Ms. Cullion. Motion supported 5 - 0.

In other business, Mr. Clarkin noted the Board should schedule a work session to review the Zoning Ordinance and recent amendments, open meetings law, etc.

Board members and Staff agreed to have the work session on October 28th. Mr. Clarkin commented he would present the workshop while Staff would prepare some documents together

With conclusion of all business, there was a motion by Ms. Englehart, second by Ms. Cullion to adjourn at 7:15 PM. Motion supported 5-0.

Minutes respectfully submitted by:

Lea Anthony Hitchen, Assistant Town Planner

For more information, please refer to the recording available in the Planning Department.