

Subject to Approval

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
Aug. 2, 2016**

The public hearing and regular meeting of the Madison Zoning Board of Appeals was conducted Tuesday, Aug. 2, 2016, at 7:30 p.m. in Meeting Room A at Madison Town Campus.

MEMBERS PRESENT

Vice Chairman Jeanne W. Stevens, Commissioners Kenneth Kaminsky, Thomas Kelty and Ned Moore.

MEMBERS ABSENT

Chairman Ronald Cozean

ALTERNATES PRESENT

William H. Piggott

OTHERS PRESENT

Zoning Enforcement Officer John De Laura

The public hearing and regular meeting of the Madison Zoning Board of Appeals was called to order at approximately 7:33 p.m.; Acting Chairman Jeanne W. Stevens introduced the board and reviewed procedures; by state statute, four votes are needed to approve applications, and a simple majority is not sufficient. The legal notice, as published, was read into the record. Agenda items were taken in the order prescribed in the minutes. Acting Chairman Stevens seated Alternate Commissioner William H. Piggott for absent Chairman Ronald Cozean.

8190. 2342 Durham Road. Map 163, Lot 33. RU-1 District. Owner/Applicant: William G. Butterly, III. Request to vary Secs. 5.5(f) and 12.6 of the Madison Zoning Regulations to allow a 36 ft. front yard setback to the northeast corner and a 32.2 ft. front yard setback to the northwest corner of a cantilevered second story addition to a non-conforming dwelling. This is a cantilevered vertical expansion of a previously approved application #8180 on January 5, 2016.

Owner and Applicant William G. Butterly, III stated that the application pertains to an addition of an antique cape on an antique structure, going up six feet, which improves the appearance of the building. This is a new application of a cantilevered vertical expansion of a previously approved application number 8180, on Jan. 5, 2016, according to Zoning Enforcement Officer John De Laura. Mr. Butterly explained that he did not realize he did not have approval of a full second story, through the previous application, and the new construction makes the space a more usable second story. The height of the building is in compliance with zoning regulations. Acting Chairman Stevens explained that the hardship on the parcel has not changed since January. Mr. De Laura explained that this application is not an extension of the previous application; it is a new application; any new construction, by law, has to come before the Zoning Board of Appeals, again. The hardship is that the property has two front yards; nothing is any different, since January.

There were no members of the public to offer statements in the public hearing, so Acting Chairman Stevens closed the public hearing portion of the meeting.

Commissioner Thomas Kelty made the motion to approve the new application, as presented, with the hardship being that the property has two front yards and no matter where they expand, it's the same issue; Commissioner Ned Moore seconded the motion, and it was unanimously approved.

Vote to approve the application as presented passed, 5-0-0.

IN FAVOR: Acting Chairman Stevens and Commissioners Kenneth Kaminsky, William Piggott, Kelty, and Moore.

OPPOSED: None.

ABSTAINED: None.

Approval of Minutes: June 7, 2016

Commissioner Kaminsky made the motion to approve the June 7, 2016 minutes, as submitted; it was seconded by Commissioner Kelty and unanimously approved.

Vote to approve the June 7, 2016 minutes passed, 5-0-0.

IN FAVOR: Acting Chairman Stevens and Commissioners Kaminsky, Piggott, Kelty, and Moore.

OPPOSED: None.

ABSTAINED: None.

Adjournment

Commissioner Kaminsky made the motion to adjourn at 7:42 p.m.; it was seconded by Acting Chairman Stevens and unanimously approved.

Vote to adjourn passed, 5-0-0.

IN FAVOR: Acting Chairman Stevens and Commissioners Kaminsky, Piggott, Kelty, and Moore.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,
Marlene H. Kennedy
Clerk