

Subject to Approval

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
July 14, 2020**

The public hearing and regular meeting of the Madison Zoning Board of Appeals was conducted Tuesday, July 14, 2020, at 7 p.m. by way of an online Zoom Webinar, with public participation available through a Zoom Webinar link and password, as well as through a telephone call in number, with a Zoom Webinar identification number, all publicly posted.

MEMBERS PRESENT

Vice Chairman Thomas Kelty and Commissioners Jason Brown and Richard Gilbert.

MEMBERS ABSENT

Chairman Ned Moore and Commissioner William Piggott.

ALTERNATES PRESENT

Dennis Crowe.

OTHERS PRESENT

Zoning Enforcement Officer John De Laura; Director of Planning and Economic Development David Anderson.

Acting Chairman Thomas Kelty called the public hearing and regular meeting of the Madison Zoning Board of Appeals to order at approximately 7 p.m. The procedure is that by state statute, four votes are needed to approve applications, and a simple majority is not sufficient. Alternate Commissioner Dennis Crowe served as commissioner, in the absence of Commissioner William Piggott. The legal notice, as published, was read into the record. Agenda items were taken in the order prescribed in the minutes.

8231. 150 Race Hill Road. Map 141, Lot 52. Owner/Applicant: Mary Loncharich. Request to vary the Madison Zoning Regulations as follows: Section 5.5(f) to allow a 34.2' front yard setback to the new expanded living area where 40' is required, to allow a 23.9' front yard setback to new roof ridge where 40' is required; and to allow a 14.8' front yard setback to new Open Porch where 40' is required.

Anthony Bolduc, agent for the applicant and on behalf of Professional Engineer and Land Surveyor Thomas A. Stevens, who was not present, stated that the house is in the RU1 zone on 9.07 acres; there are two houses on the property, and the one in the front is receiving the addition for which the variance is being requested. The front house was built in 1764 and predates zoning regulations by 300 years; an addition was put on the structure in 1997, and being proposed is a 638 square-foot addition, according to Mr. Bolduc, who described the technical details and showed drawings of the proposed structure, as well as site plans. The addition is all to the rear, Mr. Bolduc stated. Commissioner Jason Brown asked why the ridge of the addition towers over the ridge of the existing structure. Mr. Bolduc stated that he believes it is more for head room than anything, but he did not know the technical or building code reasons for doing so, adding that most of that ridge is hidden by the existing chimney. The proposed addition meets zoning regulations for height, according to Commissioner Brown. The second home, at the rear, was

built in 1920 and is occupied, Mr. Bolduc stated. The neighbor to the south of the proposed addition is a reasonable distance from the structure, and across the street is a wooded area, according to Commissioner Dennis Crowe. After questions from the Zoning Board of Appeals concluded, Director of Planning and Economic Development David Anderson asked whether there were any questions from the public. Kenneth Schwanfelder of 313 Race Hill Road stated that he is delighted that the property owner wants to keep the look of the cape, but he wants to make sure that the open porch is not, in the future, enclosed; in addition, he stated that he would like to see the ridge line dropped to the existing ridge line on the existing structure. Since there was not a firm, technical or building code answer for why the new ridge would tower over the existing ridge, Commissioner Brown proposed that perhaps the board should postpone the meeting to obtain the reason; the building official could be approached for the technical reasoning behind expanding the roof. Mr. Anderson reminded the Zoning Board of Appeals that this house, though built in 1764, is not in the Historic District, so no construction that would be viewed from the street would have to receive Historic District Commission approval. Matthew Bohannon, the owner of 151 Race Hill Road, stated that the reasoning behind the elevated roof ridge on the addition relates to the fact that they are doing a certain amount of work on the structure to bring it up to code, and if that ridge is at the existing height of the current ridge, it will not be at code. Christine Bohannon, who lives in the house behind the 1764 residence, stated that if the original height inside the existing first floor is 6' 5", and doorways are typically eight to 10 inches below the ceiling height, then she asked how anyone who is 6'2" or 6'3" in height would be able to clear the doorways. The building code requires seven feet for habitable space, according to Mr. Bolduc. Mr. Schwanfelder stated that it is the scale of the addition to the existing cape that provides a lot of space, and to bring the proposed ridge down would at least minimize it. In addition, seven feet is correct, Mr. Schwanfelder stated, that is code; decreasing the ridge would practically create a flat roof. When there were no other comments from the public, the Zoning Board of Appeals reviewed the details of the plans, its design, and discussed the technical aspects of the structure and proposed attic space with Mr. Bolduc. To decrease the proposed ridge would represent a substantial change, according to Commissioner Crowe. There were no other questions or comments.

Commissioner Brown made the motion to close the public hearing; it was seconded by Commissioner Richard Gilbert and unanimously approved.

Vote to close the public hearing passed, 4-0-0.

IN FAVOR: Acting Chairman Kelty and Commissioners Brown, Gilbert and Crowe.

OPPOSED: None.

ABSTAINED: None.

Zoning Board of Appeals commissioners entered deliberations. Commissioner Brown noted that the only comment from the public about the application related to the elevated ridge, in relation to the rest of the house. Most of the building exists, already, in the setback, he stated, adding that the commissioners are not increasing non conformance in any form. The entire house is already non conforming, and that is the hardship, Commissioner Brown stated. It is 300 years old, and there is nothing anyone can do, other than tear the structure down or move it, he stated. The only reason the ridge line is there is because it connects to the house, Commissioner Brown stated, adding that he does not see how being fixated on the ridge line should be the reason to not grant this variance. Commissioner Crowe stated that he drove by the house and found that it is really an attractive house, and he does not see how the ridge is going to detract from the appearance.

Acting Chairman Kelty stated that it is really a living space addition that does nothing to damage the historical look of the house. Commissioner Gilbert stated that he would really like to ask the architect about the roof—that is the only issue, that the ridge sticks up about four feet. If that pitch is dropped four feet, the result will be a flat roof, according to Commissioner Brown, who questioned whether that is reasonable to ask someone to do, and Commissioner Gilbert stated that he does not think it is reasonable. Commissioner Gilbert stated that he thinks he does not feel strongly enough about it to hold up the application. If the house had been built after zoning regulations, the Zoning Board of Appeals would not even be talking about the roof, Commissioner Brown stated. The house is the hardship; it is a two-story house, and the roof is needed to have the addition, Commissioner Brown stated. It is a historic structure, because of its age, and the proposed changes do not seem to take away from the historic appearance, Acting Chairman Kelty stated. Any further changes to the structure, such as an enclosed porch, would require another Zoning Board of Appeals application, so no conditions are necessary for approval of this application, according to Commissioner Brown.

Commissioner Brown made the motion to approve the variance with the hardship being that the house mostly exists in the front yard setback; it was seconded by Commissioner Crowe and unanimously approved.

Vote to approve 150 Race Hill Road passed, 4-0-0.

IN FAVOR: Acting Chairman Kelty and Commissioners Brown, Gilbert and Crowe.

OPPOSED: None.

ABSTAINED: None.

Approval of minutes: June 9, 2020

Commissioner Brown made the motion to table the June 9, 2020 minutes; it was seconded by Commissioner Gilbert and unanimously approved.

Vote to table the June 9, 2020 minutes passed, 4-0-0.

IN FAVOR: Acting Chairman Kelty and Commissioners Brown, Gilbert, and Crowe.

OPPOSED: None.

ABSTAINED: None.

Adjournment

Commissioner Brown made the motion to adjourn at 7:55 p.m.; it was seconded by Commissioner Gilbert and unanimously approved.

Vote to adjourn at 7:55 p.m. passed, 4-0-0.

IN FAVOR: Acting Chairman Kelty and Commissioners Brown, Gilbert and Crowe.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,
Marlene H. Kennedy
Clerk