

BOARD OF ADJUSTMENT REPORT 2015

The Board of Adjustment's duties are generally to hear and decide appeals of decisions by the Board of Selectman or the Building Inspector alleging errors in interpretation of the Zoning Ordinance and to hear requests for variances from provisions of the Zoning Ordinance where the literal interpretation of the Zoning Ordinance would cause an unfair burden on a property owner given the unique characteristics of their property. The Board of Adjustment also serves as a Building Code Board of Appeals.

The members of the Board of Adjustment are appointed by the Selectmen. As of February 2016 and members and the expiration of their terms are shown below. There is currently one vacancy for an alternate member.

Frank Benesh (2017), Chairman

Jerry Dougherty III (2016)

Dave Mason (2017)

David Matesky (2018)

Huntley Allen (2018)

Gino Funicella, alternate (2016)

James Gleason, alternate (2018)

Open position, alternate

In calendar year 2015 the Board of Adjustment made 4 decisions.

2015-01, a request for a variance for parcel R18-Lot 12, Candy Cane Lane, owned by Charles and Lynne Stamey. This variance was to permit the removal of a 533 sq. ft. deck that was entirely within the River Conservation District in exchange for the construction of a 225 sq ft screened porch that was also entirely within the River Conservation District but further removed from the River. This variance was granted.

2015-02, a request for a variance from setback requirements to permit a deck and roof wholly within the proscribed front setback for a newly constructed dwelling at 200 Tin Mine Road (parcel V10, Lot 33A) owned by David and Christina Cauldwell or, alternatively, a variance for the conversion of the deck to a ramp to provide access for a disabled person who regularly uses the premises. Both the variance for the deck and the variance for the ramp were denied by the ZBA in April 2015. The variance for the ramp was denied, in part, as the ZBA believed the ramp could be built elsewhere on the parcel without violating the zoning ordinance. The applicant filed suit in Carrol County Superior Court appealing both the denial for the deck and the denial for the ramp. The Court upheld the ZBA's denial of the variance for the deck. The Court reversed part of the ZBA's

decision on the ramp and remanded consideration of the variance for the ramp back to the ZBA. In January 2016, the ZBA granted a variance for the ramp to provide access to a disabled person who regularly uses the premises.

2015-03, a request for a variance from setback requirements to permit the construction of a deck partially within the proscribed setback at 34 Whitney Hill Road (Map V-05, Lot 1) owned by Michael and Christine Garcia. This variance was granted.

2015-05, a request for a variance from setback requirements to allow construction of a bathroom addition entirely within the proscribed setback at 226 Green Hill Road (parcel R12 Lot 164) owned by Joanne and Allen Brooks. This variance was granted.

The applications, supporting material, minutes and decisions relating to the above cases are available on the Board of Adjustment page on the town web site.

Respectfully submitted,

Frank Benesh, Chairman