

Town of Stoddard
Zoning Board of Adjustment
Minutes of Meeting May 17, 2018

The meeting was called to order by the Chairperson at 7:30 pm.

The Pledge of Allegiance was led by Harry Power.

Members present: Chairperson Jason Kovarik, Angel Nicoletti, Franz Haase, Doug Summerton

Members excused: Curtis Taylor

Alternates present: None

Others present: Compliance Officer Harry Power, Mr. & Mrs. Dan Shawver, Mr. & Mrs. Michael Shawver, Mr. & Mrs. Lou Heck

Hearing

- Continuation of Shawver Hearing: The chairperson recapped the hearing status. He stated our lawyer Matt Serge advised the ZBA that the building being added to can not be considered an existing dwelling and is therefore considered a second residence on the lot, which is not permitted by the CPO. For that reason, Matt suggested the Shawvers' really should apply for a Variance rather than a Special Exception.
- The Applicant has filed a Variance. The Chairperson read the Variance as filled out by the Applicant. The Chairperson asked the Applicant if they had anything to add regarding the Variance. They said no. The Chairperson asked the members if they had any questions. Discussion regarding ADU considerations, sharing of the one well and lot division ensued. Jason explained that the ADU statute does not apply here. The Applicant will have to subdivide the lot prior to adding more living space. Matt stated the ZBA could not set a timeline for subdividing to occur.
- Mrs. M. Shawver had questions regarding the timeline on subdividing. Jason explained there was no timeline on the subdivision only that it needed to occur prior to adding more living space or the selling of the property. Each dwelling has it's own septic system.
- Angel suggested a condition be added to the Variance approval clearly stating the property needs to be sub-divided with each residence situated on a legal lot and limiting the size of living space for the new dwelling prior to subdividing. The Chairperson mentioned there were only 4 voting members of the board present tonight and offered the Applicant the option of waiting for a five member board prior to voting. The Applicant stated he would rather take the vote this evening with four members present.
- Franz made a motion to accept the Variance as written and members discussed the issue. Jason read the Variance with the conditions to the Board. It reads " To approve a Variance to establish a second dwelling of no more than two bedrooms and 1000 sq-ft of living space on a single lot. With the condition that each dwelling be subdivided onto separate legal lots in the future or prior to being sold." Franz approves the amended motion, Doug seconded the motion as amended. The Chairperson called for a vote. Voting: Jason Kovarik approve, Angel Nicoletti approve, Franz Haase approve, Doug Summerton approve. The motion passes as amended. The Statement of Reasons form was filled out by the members. The Chairperson stated the Variance is granted with conditions and the applicant would receive notice of approval in the mail.

New Business

- Review of Annual Spring Planning & Zoning Conference
- The Planning Board has invited the ZBA to work together on Aug 7th or in September on changes to the CPO.
- June 5th & July 6th are court hearing dates for ZBA vs Town of Stoddard cases.

Minutes of April 19, 2018 and Site Visit 4/26/18 Minutes

- The minutes of 4/26/18 ZBA Meeting were approved as written.
- The 4/19/18 Site Visit minutes were approved as written.

Correspondence/Reports

- Review of ZBA budget to date

Old Business

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A Motion was made by Angel to adjourn. The Motion was seconded by Doug. The Motion passed unanimously. The meeting adjourned at 8:45 pm. The next meeting will be June 21, 2018 at 7:30 pm at the Stoddard Town Hall.

Respectfully submitted,
Kathleen Ellis
Secretary to ZBA