



TOWN OF MIDDLEBURY

Zoning Board of Appeals

MINUTES

ZONING BOARD OF APPEALS MEETING

Wednesday, April 3, 2019 – 7:30 p.m.

Shepardson Community Center Room 26
1172 Whittemore Road

Present: Ken Long, Chairman
Joe Mancini
Candice Graziano
Brian Proulx

Also Present: Rachel Primus, Recording Clerk
Curt Bosco, ZEO

Excused: Ray Caruso
Absent: D.J. Mahaney, Alternate
Linda Herrmann, Alternate
Tom Ford

Call to Order with Pledge of Allegiance

The meeting was called to order by Ken Long at 7:30 P.M.

Seating with Regular Members

The regular members present were seated.

Approval of January 3, 2019 and March 6, 2019 Zoning Board of Appeals Meeting Minutes

Tabled until next month

Public Hearing

Appeal # 3181 – Ian S. MacDonald and Corrine Schlabach, 19 Highview Avenue - Seeking a variance from Section 11 of the Middlebury Zoning Regulations for an addition in the side yard leaving an 18.5 ft. setback rather than the required 25 ft. setback. The hardship that exists is the land and buildings are already legal, non-conforming and do to the location there is no other area to make reasonable use of the dwelling.

Ken Long read the appeal into the record noting the public hearing notice was in the file. Mike Perugini, the builder for the homeowners, explained to the board that he is looking to construct an addition to the back of the house that would be 8ft x 6ft in order to make the existing home look uniform. He noted there is already an existing deck. Ken Long stated the building permit does not match the appeal application. He handed copies of the permit to the board members. Mike explained that the joist is up, and noted where there is currently a jog, but would like the addition to be straight on the second floor to make it look uniform. He said they are asking for a 6ft x 5ft variance request on the deck. Ken Long noted the second floor would be 6ft x 21ft, but the drawing says 3 ft. He stated the applicant received the building permit before getting the variance. Candice asked if this was a non-pre-existing condition. Mike said the house was bought with the deck already constructed, however, the previous owners never pulled the proper permits. He did have the building department inspect it and received the

permits required. Candice questioned the need for the variance. Mike said that the house is a Cape style and without the variance it will take away from the room and will look more uniform if the jog is removed. Mike reviewed the plans again with the board. Ken Long suggested another way to address this application, to clean everything up, would be to withdraw and the reapply with the correct dimensions and include the deck addition.

Corrine Schlback officially withdrew the application.

VOTED: Unanimously on a motion by Brian Proulx and seconded by Candice Graziano to **CLOSE** the public hearing.

Appeal #3182 - Michael J & Allene A. Granja, 38 Yale Avenue - Seeking a variance from Section 11 of the Middlebury Zoning Regulations for an accessory building addition in the side yard leaving a 5 ft. setback rather than the required 25 ft. setback and lot coverage of 16.6% rather than the required 10% Maximum. The Applicant(s) claim that a Hardship exists because it is a legal non-conforming lot, the location of the existing driveway and topography leaves no other area to locate a garage.

Ken Long read the appeal into the record and noted the public hearing notice was in the file. Michael Granja explained to the board that they are looking to construct a detached one car garage at the end of their driveway measuring 16 x 24ft with a 9ft garage door opening. Mr. Granja handed the board letters received from the 2 abutting property owners that were in favor of the garage. Candice questioned the shared driveway. Mike said there is a land easement with the abutting neighbor regarding the shared driveway. Ken Long noted there was a discrepancy on the submitted plans which did not include the deck dimensions. A discussion ensued regarding the total lot coverage. It was noted there is no other feasible location for the garage.

VOTED: Unanimously on a motion by Candice Graziano and seconded by Joe Mancini to **CLOSE** the public hearing.

New Business

Discussion regarding Appeal #3182. Brian Proulx said that based on the discussion of removing the older shed and having letters from the abutting property owners it helps making a decision. Ken Long and Candice Graziano both agree they have no issue with the application and feel there is definitely a hardship.

VOTED: Unanimously on a motion by Brian Proulx and seconded by Candice Graziano to **APPROVE** Appeal #3182 with the stipulation that a 384ft garage to be allowed with the removal of the existing shed.

For: Candice Graziano, Ken Long, Brian Proulx, and Joe Mancini

4:0 Approval

Other Business

None

Correspondence

None

Adjournment

VOTED: Unanimously on a motion by Joe Mancini and seconded by Candice Graziano to **ADJOURN** the meeting at 8:34 P.M.

These minutes are submitted subject to approval.

Respectfully submitted,
Rachel Primus
Recording Clerk

ZBA Members
CC: Town Clerk, Barbara Whitaker, Z.E.O.