

TOWN OF GRANBY ZONING BOARD OF APPEALS

Meeting Minutes

April 24, 2012

AGENDA: Continuation of Houle Company, LP Public Hearing
Acker Public Hearing
Regular Monthly Meeting

ROLL CALL: Peter Holmes present – Chairman
Peter LeoGrande present
Linda Fadden excused
Sam Trepasso present
Michael French present

Also Present: John Houle and Jackie Frost for the Houle Company and Michael Acker.

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PUBLIC HEARING

Houle Company, LP – 307 Rathburn Road, Lot # 34, Fulton
Tax Map # 217.00-04-04

Chairman Holmes reconvened the Public Hearing at 7:02 pm and asked the applicant to continue presenting their case for a front setback variance. John Houle, who was unavailable for the March meeting, explained the events leading up to the time he was notified that a variance was required. He had not only received a building permit after a site meeting regarding the concrete piers with Russ Getman and CEO Dave Rearick, but also a temporary C of O. Mr. Houle stated that had he known there was an issue with the front dimension he could have developed a different lot or placed a single wide unit instead. He further stated that he should have been notified by the CEO at the beginning of the process or at least at the site meeting with the CEO and Mr. Getman, certainly not after approximately \$10,000 has been invested in setting and finishing the home. The home has already been moved into by the new tenants and simply removing the home isn't a viable option at this point. Chairman Pete Holmes stated that he had spoken with CEO Rearick previous to the meeting and was sufficiently satisfied that the CEO had been in error when issuing the building permit and the effort to impose the zoning requirement after the fact creates an undue hardship on the applicant. Documents copied from the building permit file support that the front setback distance was not established or known but the permit was issued and work commenced through obtaining a temporary C of O. John Houle stated that he had field measured the distance between the front face of the home to the edge of the pavement before today's meeting – it measures 40'. With out further comments from the public or the Board, the Hearing is closed at 7:15 pm by Chairman Holmes.

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PUBLIC HEARING

Michael Acker – 145 Rathburn Road, Fulton
Tax Map # 234.00-02-15.02

Chairman Holmes opened the Public Hearing at 7:16 pm and read the Legal Notice aloud into the record. Michael Acker began explaining that he had purchased a mobile home from Craigs list to place on property also recently purchased and soon found out that he wasn't allowed to proceed by the Codes Office. The mobile home was advertised to be 1,000 sq ft, but is actually only 720 sq ft – 240 sq ft less than required. The property (2.34 acres) was bought at auction for \$4,500, the existing mobile was demolished and removed for approximately \$500.00, and the new mobile was \$3,000 – essentially all of their savings and some borrowed from parents. The lot has a concrete pad, well, septic and power existing already therefore Mr. Acker planned to hook-up and move his family in, but a stop work order was issued. The applicant is unable to purchase a larger home - paying utilities at the existing home while developing this temporary solution (future plan to replace with modular in a couple of years) has left them without cash to change plans at this time. Board Members questioned the open deck on the site plan and Mr. Acker explained that it was free-standing with the previous home and was freestanding so they kept it. Some discussion ensued about enclosing it either as a single 240 sq ft structure or breaking it into 2 units that are enclosed totaling 240 sq. ft., which Mr. Acker was agreeable to. The Hearing was closed by Chairman Holmes at 7:28 pm with no further questions from the Board or the public.

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REGULAR MONTHLY MEETING

The Regular Monthly meeting was called to order at 7:30 pm.

HOULE COMPANY, LP – The Board Members briefly discussed the application and were in agreement that without a site plan having been obtained with the original building permit application, the applicant couldn't be held to the regulation after the fact. *A motion was moved by Chairman Holmes and seconded by Member Trepasso, the requested Area Variance of 25% or 12.5 feet for the front yard setback requirement for placement of a manufactured home on property located at 307 Rathburn Road is hereby granted with the following express conditions:*

- 1. Once the current manufactured home is removed from Lot #34, the variance is null and void.*
- 2. Variance is for Lot #34 specifically and does not extend to any other lot or dwelling on Rathburn Road.*

All were in favor without further discussion, motion carried.

