

TOWN OF GRANBY ZONING BOARD OF APPEALS

Meeting Minutes

June 24, 2014

AGENDA: Linda Hilton Public Hearing
Regular Monthly Meeting

MEMBERS PRESENT: Michael French, Chairman
Peter LeoGrande
Patricia Simmons
Tom Thompson
Dan Parkhurst - absent

ALSO PRESENT: Linda Hilton, Ed Whelsky, Richard Burdick, Betty Cary, Brenda Frasier-Hartle, and John Snow.

REGULAR MONTHLY MEETING

The meeting was opened and called to order at 7:02 pm by Chairman Mike French.

A **motion** to approve the meeting minutes for November 26, 2013 was **moved** by Member Tom Thompson and seconded by Member Patricia Simmons , all were in favor, **motion carried.**

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PUBLIC HEARING

Use Variance request

Linda Hilton – 21 Honey Hill Road, Fulton

Tax Map # 218.00-05-06

Chairman French opened the Public Hearing at 7:04 pm and read aloud the legal notice that had been published in the paper as well as mailed to neighboring properties. The applicant explained that she would like to buy the property which includes a 20 year old mobile home that is in excellent condition and is currently lived in. The applicant has a 2001 Skyline mobile home that she would like to place on the lot instead of the current unit but because of the R-1 zoning is unable to. Discussion regarding a grandfathered status of the property, which is located in a neighborhood of mobile homes, concluded with Member Thompson explaining that any grandfathering would apply only to the original mobile home, not a replacement unit. Several of the neighbors were unclear regarding the zone change and the ramifications it would have on their property until just recently. They were unhappy that they wouldn't be able to improve their homes or possibly sell their land because of the R-1 zoning – the disparity between what's there now and what's expected to be developed seems too big of a gap according to the residents. The Board Members explained that people would pay the price of the land and demolition of current structures to develop in that area because of the new zoning status. The current owner of the property in dispute, Ed Whelsky, stated that he hadn't been informed when the zoning changed. Chairman French replied that the zone change had occurred over a lengthy period of time with multiple public meetings and a very well attended Public Hearing in the Community Center where people were even standing

outside and listening through the windows. He reiterated that the Town had many problems with the zoning law which is still being revised by the Planning Board but the Town's value and tax base has strengthened which benefits all residents of the Town. Discussion turned to the evidence required to grant a use variance which Deputy Supervisor John Snow stated has 4 conditions, all of which must be met to grant the variance. If granted the variance stays with the land not the owner and is contrary to the intent of the zone change. The Board Members discussed the hardship condition which states that it can not be self imposed – buying property that has an existing home with intentions of changing it is self imposed and therefore does not meet the requirements to be considered as a hardship rationale. With no further comments from the public or the Board, the Hearing is closed at 7:35 pm by Chairman French.

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REGULAR MONTHLY MEETING

The Regular meeting which was previously opened resumed session.

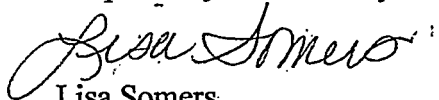
LINDA HILTON – Chairman French stated that the Town has had many problems with the zoning ordinance since the new map of districts was adopted, and that the Planning Board has worked diligently to revise the existing verbage and update sections to align with the Town's Comprehensive Plan. The areas that experienced zone changes from Ag/Res to R-1 have restrictions on how they can improve their current property - hopefully the increased property value that will come in time from the R-1 classification will offset the current difficulties that the neighbors have voiced. Without any further discussion from the Board Members *a motion was moved by Member LeoGrande and seconded by Member Simmons to accept the requested Use Variance to place a manufactured home in a R-1 zoned district regarding property located at 21 Honey Hill Road, Fulton; tax map #218.00-05-06. The vote unanimously DENIED the request because the applicant's alleged hardship is self-created and therefore does not meet the required criteria to allow a use of property that is designated as not permitted.*

Vote:

Michael French, Chairman	Nay
Peter LeoGrande, Member	Nay
Patricia Simmons, Member	Nay
Tom Thompson, Member	Nay
0 Ayes and 4 Nays - DENIED – Resolution 2014-01	

With no other business before the Board a **motion** to adjourn at 7:43 pm was **moved** by Member Peter LeoGrande and seconded by Member Patricia Simmons, all were in favor, **motion carried.**

Respectfully submitted by:



Lisa Somers
ZBA secretary