

Town of Milford
Zoning Board of Adjustment Minutes
November 4, 2010
Case #33-10
Donna Farley
Special Exception

Present: Steven Bonczar
Kevin Johnson
Fletcher Seagroves
Zach Tripp

Absent: Katherine Bauer – Board of Selectmen representative
Steve Winder
Laura Horning
Michael Unsworth - Alternate

Secretary: Kathryn Parenti

The applicant, Donna Farley, owner of 79 West Street, Map 24, Lot 3 in the Residential “A” district, is requesting a Special Exception from Article V, Section 5.02.2:A.8 to construct a screen porch six (6) +/- feet within the side setback.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

Steven Bonczar, chairman, stated there were only four (4) board members present this evening and asked the applicant if they would like to proceed with the four (4) member board or table until a full board could be present. The applicant decided to continue and signed the waiver to a five (5) member board. The chairman then read the notice of hearing into the record as well as the list of abutters: Jonathan and Christopher Smith, representatives of Donna Farley, were present. He invited the applicants forward to present their case.

J. Smith stated the size of the proposed porch is to be 6x24 feet on the front of the house, with the same roof line as the rest of the house. There is not much space on the side of the house and thus the request to construct the porch within the side setback.

K. Johnson noted the house, as shown on the plan, was already non-conforming.

S. Bonczar agreed and stated the request could be to alter a non-conforming structure or for reduced setbacks.

K. Johnson stated this could be a natural expansion of a non-conforming use which is permitted by special exception.

S. Bonczar asked if any board members had any questions.

K. Johnson noted the plans and the application were clear so he did not have any questions.

Z. Tripp noted all of his questions were answered by the applicant and during the previous discussion.

S. Bonczar asked if there were any additional comments from the board or from the public; there were none so he closed the public portion of the meeting and asked the applicant to go over the criteria for a special exception.

1. The proposed use shall be similar to those permitted in the district:

C. Smith state the proposed use shall be similar as some homes in the neighborhood have farmer's porches.

2. The specific site is an appropriate location for the proposed use because:

C. Smith stated the porch will add detail to the front of the house and will match the adjacent homes.

3. The use as developed will not adversely affect the adjacent area because:

C. Smith stated the proposed porch will not exceed the boundaries of the existing house.

4. There will be no nuisance or serious hazard to vehicles or pedestrians.

C. Smith replied the new porch is located thirty seven (37) feet from the street.

5. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:

C. Smith stated the porch is only a sitting area and will be furnished accordingly.

S. Bonczar noted reduced setbacks are allowed in the Residence "A" district by special exception and asked if the board had any questions or comments; there were none so they went on to the discussion the criteria for a special exception.

1. Is the exception allowed by the Ordinance?

F. Seagroves replied yes, reduced setbacks are allowed by the Ordinance.

K. Johnson, Z. Tripp and S. Bonczar agreed.

2. Are the specified conditions present under which the exception may be granted?

F. Seagroves stated the applicant is adding a porch to the existing house and will not infringe on the front setback; the special exception could be granted.

K. Johnson stated this is an existing non-conforming structure and they are not making it any more non-conforming. There is still the full thirty (30) foot front setback and no hazards.

Z. Tripp agreed; the applicant has met all the requirements in Article X, Section 10.02.0, Special Exceptions and the addition of the porch will not impact the front setback; it will only impact the side setback by 6 +/- feet. If the porch was on the rear of the house, it would impact the setback even further.

S. Bonczar agreed for all the reasons stated. He felt the proposed use is similar to those in the area, the specific site is an appropriate location for the porch and it is set back from the road. The use will not adversely affect the adjacent area because the house is already non-conforming. There will be no nuisance or serious hazard to vehicles or pedestrians because the porch will be setback from the road and adequate appropriate facilities will be provided for the proper operation of the proposed use because the plans submitted to the building department will meet all applicable building codes.

S. Bonczar asked if there were any additional comments or questions; there were none so he called for a vote by stating that after reviewing the petition and after hearing all the evidence by taking into consideration the personal knowledge of the property in question, this Board of Adjustment member has determined the following findings of fact:

1. Is the exception allowed by the Ordinance?

K. Johnson – yes F. Seagroves – yes Z. Tripp – yes S. Bonczar -yes

2. Are the specified conditions present under which the exception may be granted?

F. Seagroves – yes Z. Tripp – yes K. Johnson – yes S. Bonczar - yes

S. Bonczar asked if there was a motion to approve Case #33-10.

K. Johnson made the motion to approve Case #33-10.

F. Seagroves seconded the motion.

Final Vote

Z. Tripp – yes F. Seagroves – yes K. Johnson - yes S. Bonczar – yes

S. Bonczar reminded the applicant of the thirty day appeal period.