

Hearing Minutes May 26, 2004 *Draft* **draft**

The Town of Sutton Zoning Board of Adjustment met at the Pillsbury Memorial Hall, Main Street, Sutton Mills on Wednesday May 26, 2004 at 7:30 pm. The meeting was held to conduct the hearing for Case 04-06, Russell Gross.

The assistant took roll call - members present were Bill Hallahan, Dane Headley, Doug Sweet, Ed Canane and Tom Brooks

The assistant read the information on the hearing for Case # 04-06.

Russell Gross

Tax Map # 07 Lot # 251-82006A Book # 1942 Page #
938

The applicants request as variance to the terms of Article V, Section C-4 in order to construct a 24' round pool 40 feet from the center line of 18 Whiskey Pine Road, a Rural Agricultural Zone in the Town of Sutton.

The set back requirement is 66 ½ feet.

Bill Hallahan asked if all fees were paid, and they were.

Bill Hallahan advised the applicant that the board would listen to his comments, then deliberate, then take a vote on whether to grant the variance or not. There are 5 board members and the vote would have to have a majority to grant.

Bill read the ordinance.

Doug Sweet brought up the fact that we are not sure what rod road Whiskey Pine Road is and discussion was heard on whether it was a 2 rod road or a 4 rod road. Bill advised that we do not have accurate maps and asked Christine to check with the town to see when that new map will be available. The discussion still concluded that the rods may not be correct. Doug advised that the Gerhart Gerhart study of roads would be a good source to get accurate information. All agreed.

Bill asked Mr. Gross to discuss and explain exactly what he wanted to do.

Mr. and Mrs. Gross joined the board at the table. Mr Gross indicated that they want to put in a pool as described in the diagrams. The reason they are putting the pool in the place they are is that is the place that gets the most sun. He doesn't want to take out any trees and does not want to put it over the leech field.

Bill asked if their property goes up hill

Gross Yes I have a walk out basement too

Dane Headley advised that that is a dead end road..

Gross said yes it is there is just one other house

Tom Brooks indicated that there is a lot of record at the end owned by Sara Bailey
Discussion continued on the pool itself

Pool: 52' high, 24 ft around, sitting on sand, vinyl liner, aluminum siding and the deck surrounding it will be pressure treated wood.

Bill asked if there was construction started before they came to the board

Mr. Ross said yes and when he went to get a building permit he was told he needed to get a variance.

Doug asked if there was room for the town plow

Ross advised that he lets the town trucks turn around in his driveway

Bill noted the letter from Highway that they would have not problem with this variance.

Bill asked what kind of well. Drilled yes... he may have been able to move the pool back except for the well

Mr. Gross indicated that the well was put in in 1973.

Hallahan asked if there were any further questions, hearing none Tom made a motion to go in to deliberative session, Doug seconded.

Bill said it is the classic situation private road, house is already in the set back and it doesn't affect the neighbors and the town road agent has not problem with it.

Dane agreed the road is not traveled no neighbor problem house is only 61 ft back.

Tom agreed that the pool would be ok

Doug agreed that keeping the trees and not cutting them is desirable

Bill said with the noise coming from the abutting roads he would want to keep every tree and bush!

Ed Canane agreed that regardless of the road classification it would not be a problem.

Bill made a motion to reconvene the hearing, Doug seconded The board went over the Variance worksheet .

VARIANCE WORKSHEET

1. The variance will not be contrary to the public interest.

Yes.. No harm to any other party

2. The variance is consistent with the spirit of the ordinance

Yes it is a reasonable request and will keep the property treed. It is the only location and Road gaent approval as no location problem.

3. Substantial justice will be done by granting the variance.

No public gain on the pool location of 66 ½ feet rather than 40 ft and applicant gains better property use .

4. The variance will not diminish the value of surrounding properties

No evidence of diminishing property value.

5. Denial of the variance would result in unnecessary hardship to the owner

seeking it. (the owner must prove the following to establish unnecessary hardship)

1. The zoning restriction as applied to the applicant's property interferes with the applicant's reasonable use of the property, considering the unique setting of the property in its environment.

No harm to anyone

2. No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restrictions on the property

No conflict with public, maintenance of road and will allow applicant best us of property

3. The variance would not injure the public or private rights of others.

No public or private nuisance.

Bill made a motion to grant the variance as requested, Tom seconded.

Christine took the roll and the vote to grant was unanimous.

The Board thanked the applicant for coming in and that they can go back to the town for a building permit.

Ed made a motion to close the hearing, Dane seconded.

Hearing was closed at 9:15 pm.