

Zoning Board of Appeals Meeting
April 22, 2015

APPROVED

Present: Bob Bacon
Tom Brahm
Tom Burgie, Chairman
Bert Crofton
Carol Dulski
Jon Gage

Guests: Christopher Plopper
Phil Sommer-Code
Enforcement Officer

Absent: John Holtz

The regular February meeting of the Town of South Bristol Zoning Board of Appeals was called to order at 7:35 P.M. followed by the Pledge of Allegiance. A roll call of board members was taken and all board members were present, with the exception of John Holtz.

Chairman Burgie then called for a motion to approve the February 25, 2015, meeting minutes as written. Bert Crofton made said motion which was seconded by Tom Brahm. The motion was unanimously accepted.

Old Business

There was no old business.

New Business

CHRISTOPHER PLOPPER'S REQUEST FOR FRONT SETBACK VARIANCE

Phil Sommer: Mr. Plopper, the property you own is nonconforming. So under Zoning (Town Code), you cannot expand on a nonconforming property with the exception of "D". Section D states that if "its deemed by the Code Enforcement Officer as being an unsafe situation", you can do that.

And your stairs, and the way your stairs are structured, is definitely unsafe. And to be honest with you, I don't know how they passed code to begin with when the house was built. I don't know if you want me to continue, but we don't really need to conduct this Board meeting for a variance because of that section that deemed that area to be unsafe, so you can go ahead and do what you were going to do to your structure without having a variance. So you can add on, you can fix your stairs, you can go by the plans.

Chairman Burgie: In other words, he's going to issue the building permit.

Phil Sommer: Like McDonald's, you will get some change back from your building permit cost to your variance cost, because you don't need a variance.

Mr. Plopper: Can I build it like on top of the house?

Phil Sommer: No, you are going to build it like you showed me. The stairs are going to be correct and that's what's going to happen. You are going to stick with the plans you showed me--no waivering from that.

Mr. Plopper: Yes. Absolutely. Rolling the house out eight feet, kitchen expansion with the upper level and the part that goes to the ground will occupy the stairs, which will be completely to building code.

Chairman Burgie: Obviously, If there isn't any significant change, in what you showed him, and if you decided to do something different, that is past just fixing the unsafe condition, then you will have to come back for a variance.

Mr. Plopper: Right. No I don't intend to do anything beyond what you've seen, what you've all seen, what all those who have come out to the site seen. You have plans. So I guess the next thing for me to do is to come in at some point and actually apply for my building permit, possibly tomorrow.

Phil Sommer: That's correct.

Mr. Plopper: I guess this is where I rise. I thank you all very much for your consideration and it was very nice meeting you all.

At this time, Mr. Plopper left the meeting.

Phil Sommer: Tom was right in one aspect and I was right on the other. The addition on the south end of the house, 2 story one, a variance was granted for that setback, the garage on the north end house, detached garage-- that had a variance on it. The Town Zoning Board deemed back in '75, when the house was built, a front setback was not needed, for that house.

Chairman Burgie: Because it was R1.

Phil Sommer: Yes, then zoning has over that to, I think it was R2, then it was R1, and now it is LR.

Bob Bacon: So that is the reason we could not find the variance, for the original house?

Phil Sommer: Yes, because they said it was not deemed, it wasn't needed and so Tom had one which said there was a variance, which was for the addition, which we found. We found one for the garage, but for the initial house the Board said no variance was needed, for front setback.

Bob Bacon: You answered the question I had, which was, I understand the rationale, about fixing the stairs, but I was sitting back here saying, "look, we are getting closer to the road, so how are

we dealing with the 9 feet versus the 11 feet?" So, you are saying it doesn't apply because it is grandfathered?

Phil Sommer: Yes, there was nothing ever granted to the house.

Chairman Burgie: He's fixing an unsafe situation to a non-conforming grandfathered-house. Otherwise he would not be able to expand past the original footprint without a variance.

Phil Sommer: If it had nothing to do with safety, it would be a whole different situation, he'd be going through the variances. Now, it's like crawling up a ladder.

There being no other business to come before the board, Chairman Burgie called for a motion to adjourn. Bob Bacon made said motion which was seconded by Carol Dulski. The motion was unanimously accepted and the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Colleen Converse
Recording Secretary