

Town of Nelson
Zoning Board of Appeals
August 17, 2010
Nelson Town Office Building
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The meeting was called to order at 7:30 p.m. by Chairman Jeff Rubenstein. Present were Jeff Rubenstein, Mary Perry, Tom Harvey, Tom Arnold, Peter Radosta and Deborah Costello, Secretary.

The minutes of the July 20, 2010 minutes were read. A motion to approve the minutes as written was made by Tom Harvey. It was seconded by Tom Arnold. All voted in favor and the motion carried.

1. BILL CODY – 3232 ROUTE 20 EAST – RA ZONE – AREA VARIANCE – 96.19-1-34

This is a continuation of the Public Hearing from July 20, 2010. The Public Hearing was reopened at 7:35 p.m. Bill Cody appeared before the ZBA in July. He wants to replace an existing 10' x 10' shed with a 13' x 18' shed on the existing 10' x 10' concrete pad. He would be removing the existing shed once the new one is completed.

At the July meeting, the ZBA Board had not yet received the recommendation from Madison County and therefore no action could be taken. Since that meeting the County returned their recommendation for local determination. Tom Arnold, Tom Harvey and Jeff Rubenstein visited the site.

Bill Cody brought in a rough sketch. There was no other reason that he wanted to put it there other than there was the existing pad. The Board had previously discussed some concerns about the eaves, gutters and how the water would drain and would it drain away from the property line. They also had some concerns about the property line and the distance this shed would be from it.

The board discussed the overhang and gutters and if they would be 6 inches away from the line. They also wanted Bill Cody to make sure that if he is using the old building as a reference that the existing shed was in fact on the Cody property.

The findings were that there will be no undesirable change in the neighborhood, there is a feasible alternative to an Area Variance for the applicant, the requested Area Variance is substantial. There would be no adverse effect on the physical or environmental conditions in the neighborhood, the difficulty was self-created, all information referenced has been considered and all parties in question have been heard.

A motion to grant a 19 ½ side yard setback Area Variance with the following conditions:

1. Bill Cody has the west property line surveyed by a licensed surveyor, 2. That the

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new shed is not closer than the existing shed, 3. That gutters are put on the roof to divert the rains away from the property line and, 4. The old shed be removed by June 30, 2011 was made by Peter Radosta. It was seconded by Mary Perry. All voted in favor and the motion carried.

There was no one else to speak or be heard. All parties had been heard. The Public Hearing was closed at 7:48 p.m. on August 17th, 2010.

The Area Variance was granted subject to the 4 conditions. A letter will be sent to Bill Cody indicating that his variance was granted and a letter will be given to Roger Cook authorizing the building permit.

2. EARL FLANDERS – (REPRESENTED BY BILL THOMPSON) – 3020 CHAPHE HILL ROAD – RB ZONE – AREA VARIANCE – PUBLIC HEARING

Earl Flanders is requesting a 5 foot front yard setback variance as he wants to build an 8 foot covered front porch towards the road. Jeff Rubenstein drove by the site and Mary Perry, Tom Arnold and Tom Harvey visited the site.

Bill Thompson pointed out that there will be steps going off to the side and that the 8' (foot) includes the roof overhang that goes over the porch. Earl Flanders asked if he could put steps off the front. It was noted that if that were to be done he may need to have more than 8' because that would extend closer to the road.

Chairman Jeff Rubenstein opened the Public Hearing at 7:57 p.m. No one was present to speak and there had been nothing received in writing.

Roger Cook, Code Enforcement Officer, pointed out that the 50' (foot) setback along with the right of way is to allow for any further widening of the road, utilities and safety from the road, feels that even granting the variance the house will still sit back far enough from the road and the snowplow won't affect it, there is not a lot of traffic, based on certain things it was a self created hardship, it does drop off sharply in the back and that where the porch is going it's fairly level with the ground and probably won't need a step or two up.

Chairman Jeff Rubenstein closed the Public Hearing at 7:59 p.m.

It won't affect anyone's view and won't encroach on tree lines. There are 3 doors to get out of the house and without the deck you can still get out. There is no significant drop off.

There will be no undesirable changes to the neighborhood, there is a feasible

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alternate to an Area Variance for the applicant, the request for an Area Variance is not substantial, there will be no adverse effects on the physical or environmental conditions in the neighborhood, the difficulty was self-created and all information referenced has been considered and all parties in question have been heard.

A motion to approve the front yard 5' (foot) variance to allow a 45 foot setback with the conditions that it be built essentially in accordance with the plans, as amended on the diagram was made by Tom Arnold and seconded by Tom Harvey. All voted in favor and the motion carried. The Area variance was granted and a letter will be sent.

Jeff Rubenstein made a motion to adjourn the meeting. It was seconded by Tom Arnold. The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Deborah Costello
Zoning Board of Appeals
Secretary