

**Zoning Board of Adjustment
Site Visit Meeting Minutes
6-19-12**

Present: Andy Cay, Renee Fales, Lucky Evans, Kristen Mckeon, Jim Larkin

Edward & Mary Anne Girroir's appeal of the Administrative Decision of the Code Enforcement Officer to require the travel trailer removed as it was in violation of Articles 203.6a, 203.6b and 408. The property is located on South Shore Rd, Spofford (Map 5A A57A & A56) Spofford Lake District.

Lots 0005A-A056 and 057 were viewed. Tim Girrior indicated that they would like to have the option to place three camping trailers or Recreational Vehicles on the lots. Historically they have placed one along the east side of lot A57, one camper straddling the two lots, and one on south side of lot A56.

Cay indicated that there is little doubt that the applicants had proved that there was historical use of campers on the two lots.

Jim Larkin made a motion to close the public session. Lucky Evans seconded the motion; an unanimous vote closed the public portion.

Cay stated that a recreational vehicle was not considered a structure as defined by the Chesterfield Zoning ordinance:

STRUCTURE: Any temporary or permanently constructed, erected or placed material or combination of materials in or upon the ground, including, but not limited to buildings, manufactured housing units, radio towers, sheds and storage bins, storage tanks, portable carports, swimming pools, tennis courts, parking lots, driveways and on-site waste disposal systems.

Cay referred to 408 , "Restrictions on Intermittent and Casual Use", which describes occupancy of camping trailers, etc. and states:

408 RESTRICTIONS ON INTERMITTENT AND CASUAL USE

2. The owner and/or occupant of such vehicle or structure shall comply with all underlying requirements of the Zoning and the Building Ordinances for the district in which said vehicle or structure is located.

Going back to 203.6b, "Spofford Lake District Setbacks", the zoning ordinance only mentions "Structures".

Cay surmised that since 203.6b only mentions "Structures" and that the definition of a structure does not include camping trailers and recreational vehicles, then article 203.6b does not apply in this case.

Cay made a motion to overturn the administrative decision by code enforcement to allow for camping trailers, recreational vehicles, and tents on lots 0005A-A056 and 057.

“Under the definition of structures, we do not find camper/trailers are included. Article 203.6b only refers to Structures and in this case does not apply. Article 408 will still be enforced to allow for occupancy for only 180 days of the year.”

The motioned was seconded by Jim Larkin. Vote 5 Yes.

Grumm

The property at 10 Lone Pine Drive was viewed. The location of the proposed house was staked out. The proposed house will only be 20' from the front setback. Per Article 203.5, the front setback is 50'.

Larkin motioned to allow for the variance due to hard ship of the building lot.

- 1. The variance in not contrary to the public interest. The house will be within the front setback. This is due to lay of the land and ledge outcroppings dictating where the state approved septic can be reasonably constructed. The public interest will be served by building a state approved septic system.*
- 2. The variance will not be contrary to the spirit and intent of the ordinance since the house placement is dictated by where the state approved septic can be placed and the drainage issues associated with the property.*
- 3. Substantial justice is done because the lot is a building lot of record and the placement is the only reasonable place due to the lay of the land and ledge outcroppings.*
- 4. The variance will not diminish the values of surrounding properties since the new house will enhance area due by building to code.*
- 5. Literal enforcement of the ordinance would result in unnecessary hardship.*

(A) Because of the special conditions of the property that distinguish it from other properties in the area:

(a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. The building lots displays hardship in the lay of the land and placement of the new state approved septic

And

(b) The proposed use is a reasonable one. This is a building lot of record the proposed structure reasonably sized at 1700 square feet.

Motioned was seconded by Evans. 5 Yes.

Respectfully submitted,
Renee Fales

Approved

Andy Cay
Vice Chairman, Zoning Board of Adjustment

Date_____