

HAMILTON ZONING BOARD OF APPEALS

MINUTES OF MEETING

Council on Aging Building

July 12, 2016

Members Present: Bill Bowler (Chairman), Kim Dietel, Bruce Gingrich (Alternate), and John Rodenhizer.

This meeting was called to order by Bill Bowler at 7:30 pm with a quorum established.

Approve Minutes

Withdraw from Application for Public Hearing 133 Gregory Island Road.

The withdrawal was submitted by Greg and Diane Belleville, 133 Gregory Island Road for a petition to create an in-law apartment under Section V.A.11e.1.a.

Motion to allow the petitioner at 133 Gregory Island Road to withdraw the petition without prejudice made by John Rodenhizer.

Seconded by Kim Dietel.

Vote: Unanimous in favor.

Public Hearing 48 Howard St.

The application of Stephen and Carol Gambino, 48 Howard St. was submitted to construct a one story addition to a dwelling and obtain relief from By-law Section VI.B.5.7.a., front yard and VE.B.5.8.a., side yard setbacks.

Bill Bowler recused himself as he had completed legal work for the applicant.

Carol Gambino presented the plans for the construction proposal. The garage would be renovated to create a third bedroom and new garage. The front yard setback was conforming prior to the addition. John Rodenhizer noted the side yard was already non-conforming but the addition would not increase the non-conformity. Regarding the front yard setback, the applicant was conforming but was creating a non-conformity with the addition. Mr. Rodenhizer said the neighbor's garage was not measured using an instrument survey to determine the setback and suggested having the distance measured using an instrument survey, then stretching a line from the neighbor's garage to the existing conforming front setback of the dwelling. This is what the board had approved in the past and would be the limit if any that Mr. Rodenhizer was comfortable with. After the foundation was poured, the applicant would need to have an engineer stamp Certified as-built plan indicating that the foundation was not over that line.

There would be a restriction on the Building Permit to receive the as-built. Bruce Gingrich was curious about the setback from the road and the neighbor's setback. Carol Gambino said the home was still compliant with the Board of Health regarding the septic system.

Motion made by Bruce Gingrich that the proposed addition to the property does not extend passed the line drawn from the existing conforming front setback of the home to the neighbor's garage and that the addition must be behind that line, whatever that distance is and since the plans that were submitted are not documenting that garage, the engineer will document this to determine the allowance the addition may come toward the street.

Kim Dietel seconded.

Vote: Unanimous in favor.

John Rodenhizer explained that there was an appeal period of 20 days.

Update from the Chair

Adjournment

Motion to adjourn made by Kim Dietel.

Seconded by Bruce Gingrich.

Vote Unanimous to adjourn at 7:50 pm.

Prepared by:

Marcie Ricker

Attest Date