

HAMILTON ZONING BOARD OF APPEALS

MINUTES

Via Zoom Meeting

858 6431 8617

Password 546929

November 4, 2020

Members Present: Kim Dietel, Eric Salines, Bruce Gingrich

Associate Member: David Perinchief

Also Present: Andrew and Tasha Jose,

This meeting was called to order by at 7:01 pm with a quorum established. Roll call: Bruce Gingrich – aye, Eric Salines – aye, David Perinchief – aye, and Kim Dietel -aye.

Public Hearing. Andrew and Tasha Jose. 32 Garfield Ave. Extension or alteration of a non-conforming use, structure, or lot.

Members of the Board received the application and plan. The septic inspector had offered approval and all abutters had been notified. According to the applicant, the colonial style sunroom would be 17' x 14'. The addition would be 17.6' from Arthur Ave. and would be flush with the back of the existing structure.

Kim Dietel referred to Section 5.3.4.5 of the Hamilton Zoning By-law on page 14. Due to the fact that the residence was on a corner lot, double frontage setbacks would apply. While 15' was required for side yard setbacks, 25' would need to be maintained for both Arthur Ave. and Garfield Ave. The addition was only set back about 18'. The proposal would make the lot more non-conforming than the existing status. The applicant stated the addition was flush with the neighbor's house, which also abutted Arthur Ave., but the Board was not presented with evidence of the setback. Members discussed that if the lot was not on the corner, the 15' might be allowed.

The applicant noted that the existing structure was constructed in 2005 on an existing footprint. Bruce Gingrich recalled that the application of a neighbors' porch had been declined. Members discussed the possibility of redesigning the structure to have it not encroach the 25' setback. The applicant said they had hoped to keep the windows on the first floor and basement but would consider rearranging the addition to meet the setbacks.

Jean Maurand (Garfield Ave.) recalled the previous structure was a quanset hut until developers requested to build on the footprint. Ms. Maurand said the footprint had grown and wondered how the structure had been allowed to grow when a restriction had been placed on the original approval. Members responded that anyone was allowed to apply and be heard. Another abutter was present to ask about the 25' setback. It was noted that the original foundation was not suitable for rebuilding and a new foundation was constructed for a two story house.

Kim Dietel explained that if the Board were to make a decision, another application could not be accepted for two years. The applicant requested an extension of the public hearing, redrawing the current proposal, and returning to the Board for another review. Members agreed that a hand drawn amendment to the plan would be acceptable.

Motion made by Bruce Gingrich to continue the public hearing until December 2, 2020.

Seconded by Eric Salines.

Roll Call Vote: Bruce Gingrich – aye, Eric Salines – aye, Kim Dietel – aye. Unanimous in favor.

Adjournment.

Motion made by Eric Salines to adjourn.

Seconded by Bruce Gingrich.

Roll Call Vote: Bruce Gingrich - aye, Eric Salines – aye, and Kim Dietel – aye. Unanimous in favor to adjourn at 7:24