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**HAMILTON ZONING BOARD OF APPEALS**

**MINUTES OF MEETING**

**July 5, 2023**

**7:00 p.m.**

**Hybrid/Zoom Meeting 81086089216**

**Members Present**: Steven Derocher, Bruce Gingrich (Chair), David Perinchief (Associate). and Andie Philip (via Zoom)

**Others Present**: Patrick Reffett and others as noted in the meeting.

This meeting was called to order at 7:13 pm with a quorum established.

**REGULAR BUSINESS**

**Board Reorganization**

Bill Bowler had retired after decades of service.

David Perinchief made motion to recommended Bruce Gingrich as Chair.

Steven Derocher seconded.

Vote: Unanimous to approve Bruce Gingrich as Chairman.

David Perinchief had requested that he become an associate member, leaving two open spaces. Andie Philip and Stephen Derocher agreed to become full members.

**PUBLIC HEARINGS:**

**275 Echo Cove Road. Richard Green, applicant. Special Permit to create an accessory apartment in an existing dwelling.**

Richard Green was present to explain that the previous owner had converted the pre-existing in-law apartment into a rented apartment. Mr. Green owned the home for three years and proposed to create a rental apartment to add to his fixed income. Parking for six cars existed. 600 sf of the proposed apartment was completely separate from the existing dwelling and Mr. Green would live in the home. Bruce Gingrich thought the plan was “tricky” to read. Mr. Green explained the plan. The Board of Health approved the four bedroom septic (letter attached to the application). Patrick Reffett confirmed receipt of a letter in support from a neighbor. The Bylaw supported the homeowner staying in their home in an effort to supply additional income as well as to create a diversity of housing stock.

Motion made by Steven Derocher to approve the apartment as it was with no changes to the current building but bringing it up to By-law standards.

Andie Philip seconded.

Vote: Unanimous in favor.

**11 Arthur Ave. Raymond Marquis, applicant and Raghavender Bolishetti, owner. Variance from the front yard setback to construct a 6’6” x 7’4” front porch with attached overhead canopy.**

Raymond Marquis was present to explain that he was contracted to put a roof over the prefab stairs only to find the stairs to be too small to support a roof. The existing stairway was within the setback and approved when the house was built. The application was to make the stairs 8” wider on both sides but the stairway would not come out any further into the set back. A roof was being proposed to keep the weather out of the main entrance of the home. The roof would only cover the landing and not the steps. There would be no increase in the encroachment.

Members discussed if the applicant needed a Variance. Patrick Reffett said the Building Commissioner would determine if the project needed a Variance. The non-conformity would not change except for 8” on each side of the stairs but the landing and stairway would be the same distance from the set back. Andie Philip noted the Bell Alta case that determined that if a non-conformity was not increased, a variance would not be required but a Special Permit would be required. A previous Variance for a farmer’s porch had been denied and Board members had suggested the applicant do what was being proposed. While the stairs would be closer to the road than the other neighbors, the proposal was for an open air item. A Special Permit would be considered as the structure was not a wall but rather a roof structure without a change of setback from the street. Members agreed that Section 5.3.1. of the Zoning By-law would allow for the change from a Variance to a Special Permit.

Motion made by Stephen Derocher that the Variance would become a Special Permit.

Andie Philip seconded.

Vote: Unanimous in favor.

Motion made to approve the Special Permit as described as the proposal would not build further out into the set back but would be wider as listed.

Andie Philip seconded.

Vote: Unanimous in favor.

**REGULAR BUSINESS**

**Minutes**

Motion made by David Perinchief to approve the minutes of May 2023.

Seconded by Stephen Derocher.

Vote: Unanimous in favor.

Motion made by Steven Derocher to approve the minutes of June 2023.

Seconded by Andie Philip.

Vote: Unanimous in favor.

**DOCUMENTS DISCUSSED**

275 Echo Cove Road, plan, septic approval, and neighbor letter of support.

**ADJOURNMENT**

Motion made by David Perinchief to adjourn at 8:31 pm.

Seconded by Bruce Gingrich.

Vote: Unanimous in favor.

Respectfully submitted as approved at the meeting.

Bruce Gringrich.