

MARSHFIELD DEVELOPMENT REVIEW BOARD

Meeting Minutes • Thursday, May 12, 2011 • 7:00 p.m., Old School House Common

DRAFT

Angela Barger and C. Joseph Astick, variance request and appeal of zoning permit 11-05 as denied by the Zoning Administrator to construct an addition to their residence at 40 Lower Depot Road.

DRB members present: Paul Brierre, Dina Bookmyer-Baker, Vince Feeney, and Sandy Paritz. Also present: Angie Barger and Joseph Astick (Appellants), Lawrence Black and Connie Koeller (neighbors). ZA Bob Light was not present.

At 7:27 p.m., with a quorum present, DRB Acting-Chair Paul Brierre opened the hearing to review the proposal. Paul read the warning. All parties intending to testify were sworn in. Appellants notified the abutters and posted the property as required.

The zoning permit application and variance request included a line drawing of the parcel showing the location of the existing house and the proposed addition; applicable excerpts from the Zoning Ordinance; and an NFIP determination.

Appellant: Requesting a waiver of 12.5 feet. The existing dwelling equals 562 square-feet now. Family has grown and need to expand the house. Appellants feel that they meet the conditions of the waiver, that they have proposed a reasonable expansion, as their family has increased, and they are asking for the smallest increase possible to achieve their goal.

Appellants referred to Section 240, Variances, Waivers, and made the following points to support the DRB granting their waiver request:

- (1) See Article 1, Section 120, Purpose: As the parcel is on the line between the Village and Rural zoning districts, it meets both purposes under 120(1). The house is affordable as per 120(3). It is better to add a small addition than to build a new house. This proposal creates a more usable home in the village.
- (2) See the reasons cited above. The addition will be a 12-foot extension on the rear of the home.
- (3) Regarding the no greater than 5% of required lot size requirement, the addition would comprise less than 1% of the lot size.
- (4) Appellants are asking for no greater than 10% of the required setback. The greatest restriction on development of this property is the Water Conservation District (WCOD) requirement of 125-feet from the top of bank of a watercourse with a slope of >15%. Therefore, they request a waiver of 12.5 feet.

The existing non-conformance of the structure is 80.5-feet from the top of bank at the closest point. The

structure is non-conforming in three directions: #1: The Agricultural and Rural Residential zoning district requires a minimum front setback of 65 feet from the centerline of the road, but the existing house sits only 24-feet from the road centerline. The WCOD imposes development setbacks of 75-feet from the top of slope or bank, or 125-feet when the slope of the water or area to be developed is 15-degrees or more. #2: The house is 80.5-feet from the top of slope of the stream that runs along the north-easterly property line, where the required setback in the WCOD is 125-feet, due to the slope. And #3: the house is 61-feet from the top of bank of the stream that runs along the south-westerly boundary, where the WCOD requires a 75-foot setback.

Appellants submitted a determination from the National Flood Insurance Program (NFIP), that the structure is not in the Special Flood Hazard Area and that flood insurance is not required for the structure, but is recommended for the property. They have not applied for a Letter of Map Amendment.

The addition will include a finished basement (at ground level) plus 2 floors. The basement will be 10-foot high, the first floor will be 8-feet high, and the third floor will be 6-feet high plus a 4-foot high gambrel roof, totaling 28-feet from ground level. It will not be higher than the existing house.

Neighbors Lawrence and Connie testified that Angie and Joe are great neighbors and they would hate to see them have to move if they cannot increase the size of their house. They have increased the energy-efficiency of the existing house and have planned an energy-efficient addition.

There being no further testimony or questions, at 8:15 p.m., Paul made a motion to close testimony, which was seconded by Dina. All were in favor, and the motion carried, 4-0. The DRB will issue a written decision within 45 days.

At 8:19 p.m. the DRB went into closed session to deliberate the application.

At 9:50 p.m., DRB closed deliberative session and return to the public meeting. Paul made a motion to re-open the hearing next week, at 7 p.m. for a site walk, followed by reconvening the hearing at 7:30 p.m. Sandy seconded the motion. All were in favor, and the motion carried, 4-0.

At 10 p.m. Paul moved to adjourn the DRB meeting. Sandy seconded. All were in favor. The meeting was adjourned.

*Respectfully submitted,
Dina Bookmyer-Baker*