**Town of Jefferson**

Office of the Zoning Board of Adjustment

**Minutes**

February 8, 2024

The meeting was called to order at 7:30 pm.

**Members present**: Chairman Kim Perry, Rodney Houghton, Biff Wyman, Jason Call, Wayne Bilquin, alternate

**Absent**: Tom Walker

**Others present**: Charlene Wheeler, Board secretary; Dale Lee

In the absence of a regular member, Wayne Bilquin was designated a voting member for this meeting.

**Hearing – Case # 228-2024 – Lee**

Chairman Perry opened the public hearing for an application from Dale and Laurie Lee for a Variance, Article IV, Section 2 of the Land Use Ordinance. They propose to construct a garage closer to a lot line than allowed at 130 Couture Road, Map 1, Lot 33T. Board members had already received copies of the application to examine. A map of the property and proposed location of the proposed 28’ x 30’garage was submitted with the application. The Lot contains 2.27 acres situated at a curve on Turnpike Road. Chairman Perry read the application. He asked Mr. Lee if he wanted to add anything to the proposal as was read. Mr. Lee described why this was the best location for the garage and there would be no change to the entrance to the property which now exists. There is a well located on one side of the residence and a septic field on the other. Relocating the driveway would be difficult. Behind the house, the lot slopes down and is wet. Jason Call asked about the size of the garage and Mr. Lee said it would be one story with a half story above for storage. Currently they have no way to keep vehicles and other equipment inside out of the elements.

Chairman Perry opened the meeting to public questions or comments. The Board secretary, who is an abutter, said the Lees have greatly improved the property since its purchase which has added to the value of others in the neighborhood. The Board secretary reported she had received no other questions or comments about the application from abutters or the general public. Some of the Board members said they had driven by the property and felt the plan was very reasonable.

There being no further questions or comments, Chairman Perry closed the public portion of the hearing.

Jason Call led the Board through the 5 criteria for granting a Variance.

1. The Variance will not be contrary to the public interest; the Variance would not injure the public or the private rights of others property owners. Yes, the Lee’s property is a private residence with a small storage shed to the left of it and a drilled well. The lot is on a town-maintained road and the residence with a driveway and parking in front of it. To the right of the residence is a septic system. The rear of the lot slopes down and can be very wet at times. No abutters have made any objection to the applicants being granted this Variance. It wouldn’t create more noise and traffic in the area. Even though it will be within the 50 feet setback it still would be a reasonable distance away from the town road, no closer than about 30 feet.
2. The spirit of the Land Use Ordinance (as outlined in its preamble and Article II) is observed. Yes, the residence already on the lot has blended into the community and added to the tax base of the town. The Lees have improved the property greatly since its purchase, which has certainly upgraded the look of the neighborhood. This addition to the property should look pleasing as well. Abutters are not close to the residence.
3. Substantial justice is done. Yes, the current configuration of structures on the lot has existed for a number of years. Mr. and Mrs. Lee are trying to do the correct thing by asking for a Variance to be in compliance with the town’s ordinances. They will have parking for vehicles now kept outside and allow for additional storage.
4. The value of surrounding properties is not diminished. Yes, this property, now much upgraded and improved with its structures and the surrounding properties will exist together without diminishing property values. This proposal for a 1-1/2 story garage will only add to the value.
5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship: (An unnecessary hardship is deemed to exist if owing to special conditions or uniqueness of the property that distinguishes it from other properties in the area, the property cannot be reasonably used in strict conformance with the Land Use Ordnance, and a Variance is necessary to enable a reasonable use.) A hardship in this sense is **not** considered a monetary hardship. Yes, denying the Variance would be a greater hardship for Mr. and Mrs. Lee to be denied the location of the garage given the uniqueness of the lot, with a well on one side and a septic system to the other side and a sloping wetter area to the rear. It doesn’t require a new driveway entrance but uses the one already existing.

Rodney Houghton made the motion to grant the application for a Variance, seconded by Biff Wyman. The vote to accept the motion was unanimous. Mr. Lee thanked the Board and left the meeting.

**Minutes**

Biff Wyman made the motion to approve the January 18, 2024, meeting minutes as read, seconded by Jason Call. The vote to accept the motion was unanimous.

**Other Business**

The Board secretary said she had spoken to Mr. Jenkins who did not follow through with his application for a Special Exception. He apologized for not meeting his deadline without notice and cited a family situation for the delay.

A potential application for a Variance may be coming to the Board from a property the Board has once before granted a Variance to in the recent past.

Rodney Houghton made the motion to adjourn the meeting, seconded by Wayne Bilquin. The meeting was adjourned at 8:35 pm.

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Charlene Wheeler

Secretary to the Board