

**TOWN OF NORTHFIELD
ZONING BOARD OF ADJUSTMENT
May 23, 2007**

MINUTES

Members present: Polly Mills Fife, Steve Bradbury, Kent Finemore, Dave Liberatore.
Also present: Dave Lorch, LRPC and Eliza Conde, Secretary.

Steve Bradbury moved, seconded by Polly Fife, to accept the minutes of April 25, 2007 as read. Motion passed, 3-0.

Leslie J. Keyser: Application for a variance to Article 7, Table 1 of the Northfield Zoning Ordinance for an Automotive Repair business at 26 Union Road (Tax Map R8 Lot 12A) in the R1 and Conservation zones. Dave Lorch noted that the lot in question is 12-1 rather than 12a as in the application. Members reviewed the planner's report, noting that the lot is split by the two zones and a portion also lies within the groundwater protection district. After careful review of the tax map, the zoning map, the Keyser plan and the zoning ordinance, members were satisfied that this application to use the existing building does not fall within the groundwater protection district, therefore the restrictions of that district do not apply.

Dave Liberatore moved, seconded by Polly Mills Fife to accept the application as complete. Mr. Keyser explained that he currently runs a trucking business from this property and has used the building for maintenance of his truck and personal vehicles for many years. As the cost of trucking has become exorbitant, he would like to continue using the building for vehicle maintenance and inspections. In order to obtain a state inspection license, he needs approval by the town.

Dave Liberatore reminded the board that if this variance is granted, the use will stay with the property and can be sold as a commercial business. Polly Mills Fife asked Mr. Keyser if there would be any alternative such as renting another building within the commercial zone. Mr. Keyser replied that he has spent considerable dollars on the existing garage, that it is all set up for a garage with lifts, etc. and it would be financially unreasonable to rent another building as he already has one that has all the requirements for a garage. Kent Finemore asked Mr. Keyser if he would be satisfied with conditions such as no expansion to the building allowed and/or limiting the number of vehicles that can be outside. Mr. Keyser replied that he has no need or plans to expand the building and asked to be allowed at least 4 vehicles outside.

More discussion followed relative to the closeness of the aquifer, whether or not stricter guidelines were necessary, etc. It was confirmed that the applicant does not intend to expand the building and the limits of the business can be contained within the building. Dave Lorch pointed out that the board can restrict the location of vehicles to a particular area on the lot.

Polly Mills Fife reviewed the variance criteria information she learned at a recent conference, noting that there are “use” variances and “area” variances, each having different criteria. The applicant must prove that their lot is unique, there has to be a justification for and evidence supporting the board’s decisions. The ZBA is a judicial board and personal feelings and opinions should not influence a decision.

Review of the variance criteria:

The proposed use would not diminish surrounding property values. The applicant has essentially been operating a garage for many years and this variance would not change the current use. Automobiles in various stages of repair or assembly would have a negative impact on the value of surrounding properties. Car and truck repair is occurring at this time and the site is clean and void of unsightly parts and debris. Dave Liberatore noted that currently the lot is clean, but another owner may not keep it that way.

Granting the variance would be of benefit to the public interest. Property value would remain the same and an automobile repair business would provide a service to the general public.

Denial of the variance would result in unnecessary hardship. Hardship, as the term applies to zoning, shall be met if all three of the following criteria are satisfied:

- a. *The zoning restriction as applied to the applicant’s property interferes with the applicant’s reasonable use of the property, considering the unique setting of the property in its environment.*
There are no unique features inherent with this lot that make it different from most other residential lots in this area of Town. The lot already contains two residences, which serve as a *reasonable* use of the property however the fact that the building exists and has been used as a garage creates a unique situation.
- b. *No fair or substantial relationship exists between the general purpose of the zoning ordinance and the specific restrictions on the property.*
The lot is bisected by both the R1 (Single-family Residential District) and the Conservation District. The R1 District contains predominantly low-density single-family residences. The building is not within the aquifer, however storage of fluids should be inside the building.
- c. *The variance would not injure the public or private rights of others.*
The building is not in the aquifer and there will not be any change in use.

Granting the variance would do substantial justice.

This would allow Mr. Keyser to continue with the existing use and apply for an inspection license.

The proposed use is not contrary to the spirit of the ordinance. This variance would be considered contrary if it were not already existing and being used as a garage. This would continue a current use.

Dave Liberatore moved, seconded by Steve Bradbury to grant a variance to article 7 table 1 to allow an automobile repair service to be established on the lot identified as R8 12-1 located at 26 Union Road, Leslie J. Keyser applicant, with the following conditions:

1. That the building is not to be expanded to more than the existing 40'x60' building,
2. That overnight storage of more than 4 vehicles shall be prohibited,
3. That no outside storage of regulated substances as defined in Article 6.2.3k of the Northfield Zoning Ordinance shall be allowed.

Polly Mills Fife supported the motion stating that this is pre-existing and it would be a financial hardship as so much has already been invested in the building and the alternative of having him locate within the Commercial zone would actually put him on the aquifer. Motion passed, 3-0.

Meeting adjourned at 8:45 pm.

Respectfully submitted,

Eliza Conde, Secretary