

**NORTHFIELD BOARD OF ADJUSTMENT
MINUTES
July 27, 2015**

Present: Brian Brown, Phil Cain, Bob Southworth and Kent Finemore.

Minutes: Phil Cain moved, seconded by Brian Brown to approve the minutes of June 22, 2015 as read. Motion passed.

Kent Finemore explained to applicants that they have the option of waiting until there all members of the Board are in attendance.

Bill Coulter: Continuation of an application for a variance from Article 7 Section 2 of the Northfield Zoning Ordinance to allow construction of a shed within the side set back on 1.38 acres at 200 Cross Mill Road, (Tax Map R4 Lot 17-2A) in the C/I zone. Members reviewed the application, drawings and photos as submitted by the applicant. Phil Cain moved, seconded by Brian Brown to accept the application as complete. Kent Finemore asked if the property line is identifiable. Bill Coulter stated he found the corner pins and ran a string between them to identify the property line in the area where he plans to build a pole barn. The proposed location is 11 feet from the side property line in the front and 15 feet from the side property line in the back. The proposed building is for a 24'x30' pole barn with 6 posts and 2 walls open in front and back. Motion passed.

Kent Finemore explained that the applicant is looking for relief for 9 and 5 feet in the setback. He recommended that if the variance is approved this footage should be a condition of approval. Mr. Coulter stated that there are trees along the property line and the shed will not be visible from the road.

Public hearing opened and closed with no comment. After clarifying the proposed location of the shed, Brian Brown moved, seconded by Phil Cain, to grant a variance from Article 7 Section 2 of the Northfield Zoning Ordinance to allow construction of a shed within the side setback on 1.38 acres at 200 Cross Mill Road (Tax Map R4 Lot 17-2A) in the C/I zone with the condition that the building be no closer than 11 feet from the property line. Bob Southworth suggested including the size and type of building in the motion. Brian Brown moved, seconded by Phil Cain to amend the above motion to include "construction of a 24'x30' pole barn". The amendment passed. The motion as amended passed.

Kevin Waldron: Continuation of application for a variance from Article 7 Section 2 of the Northfield Zoning Ordinance to allow construction of a shed within the front setback on .96 acre at 122 Bay Hill Road (Tax Map R10 Lot 2A) in the R1 zone. Kent Finemore reviewed the status of this application and the question of whether or not a building permit is required and setbacks met for a temporary building. Kent Finemore consulted with Atty. Bart Mayer who confirmed that temporary structures must meet setbacks and have a building permit. This application is for a building to be located on the front property line. Phil Cain asked if the property line has been determined. Kevin Waldron stated that it has been located. Brian Brown commented that the applicant is asking for the building to remain on the property line rather than

meet the setback requirement of 35 feet from the property line. Kent Finemore added that the applicant is not requesting limited relief of the setback but wants to locate the building on the property line.

Public hearing opened: Kevin Waldron asked what the difference is whether the building is 1 foot or 34 feet into the setback. Kent Finemore responded that the Board considers the application and the reasonability of it. He stated he could not remember ever approving a building to be located literally on the property line. Most requests are for a number of feet from the property line and this application is to allow the building on the property line. Kevin Waldron commented that the side setbacks affect the neighbors while the front one does not. Valerie Allen asked that the applicant show why the building can't be moved so that it meets the setbacks. Christopher Hunt stated that the Board knows that to grant a variance a hardship is required to be shown due to the nature of the property and there would be no other location possible on the property. He added that the town has voted to have the 35 foot setback to meet a visual concept and it is particularly important on main roads. He agreed that people should be able to do what they want on their property, but the town voted for the 35 foot setback and any new construction should meet that requirement. He added that having the building at the edge of the road looks out of place and there is no hardship inherent in the property. The applicant does not meet the requirements for a hardship. He urged the Board to stick to the community standards as approved by the voters. Public hearing closed.

Phil Cain stated that the Board should adhere to the Attorney's advice and require the building to be 35 feet from the property line. Brian Brown noted that the applicant wasn't sure if a building permit was needed for a temporary building. Kent Finemore stated that the application was not entirely prescriptive of how much relief was requested, however testimony at the last meeting revealed that the building is on the property line. There was no specific request to locate it on the property line and it appears that there is room to place the shed on the property with setback relief or by meeting the setback requirements. He reminded the Board that if a variance is granted it stays with the property forever and questioned whether it would be responsible for the Board to allow the building on the property line.

After further discussion, Phil Cain moved to require that the building be 35 feet from the front property line. Kent Finemore did not accept the motion as the application needs to be denied or approved. Brian Brown moved, seconded by Phil Cain to deny the variance from Article 7 Section 2 of the Northfield Zoning Ordinance to allow construction of a shed within the front setback on .96 acre at 122 Bay Hill Road (Tax Map R10 Lot 2A) in the R1 zone. Motion passed.

Meeting adjourned at 7:45 pm.

Respectfully submitted,

Eliza Conde, Secretary

Minutes approved 9-28-2015