The Regular Meeting of the Madison Zoning Board of Appeals was conducted Tuesday, May 10, 2022, at 7 p.m. in Meeting Room A (In-Person meeting) at Madison Town Campus.

MEMBERS PRESENT
Chairman Ned Moore and Commissioners William Piggott, Richard Gilbert, Jason Brown, and Dennis Crowe.

MEMBERS ABSENT
None.

ALTERNATES PRESENT
Steve Bischoff and Dylan Stella.

OTHERS PRESENT
Zoning Enforcement Officer John De Laura; Maria Pettola, land use staff. MCTV taped the meeting.

Chairman Ned Moore called the meeting to order at 7:01 p.m.

APPLICATIONS:

8258 34 Laurel Crest Rd. Map 41, Lot 46, R-1 District. Owners: Barbara and Michael Baycroft; Applicant: Gulick & Company. Request to vary Madison Zoning Regulation Section 11.1 to allow an Accessory Building in a Front Yard.

Travis Gulick from Gulick & Company represented the applicant. He states the north side of the property has a Town Road (Hull Road) that does not connect to any other Roads., it’s essentially seen as a driveway. Mr. Gulick discussed and reviewed plans for the property. He further showed photos / aerial pictures of the site (recorded as Exhibit 1, 2 & 3). Commissioner Moore asked why was the east side selected for the location of the barn. Mr. Travis replied because of boulders and the design aspect of being closer to the driveway. Commissioner Brown noted the variance for this application is to place the structure in the front yard and there are no requirements on setback.

Being there were no comments from the public, Chairman Moore moved to close the public portion of the public hearing; seconded by Commissioner Brown and unanimously approved.

Deliberations

During deliberations, all commissioners agreed the hardship in this application is the three front yards. Commissioner Brown further stated that even though the application is incomplete or has some errors, he is in favor as the hardship is the shape of the land and literal enforcement of the zoning regulations would place the barn in an area that is not desirable.
Chairman Moore moved to close the deliberations and unanimously approved.

Commissioner Brown made the motion to approve the variance based on the hardship that the property has three front yards. Seconded by Commissioner Crowe and unanimously approved.

8259 130 Chittenden Field Ln. Map 13, Lot 107, R-5 District. Owner: Jim Flynn, Applicant: Gulick & Company. Request to vary Madison Zoning Regulation 3.6d), 8’ side yard setback where 12’ is required.

Travis Gulick from Gulick & Company represented the applicant – a schematic site plan for 130 Chittenden Field Lane was shown and reviewed. He states letters were sent out to neighbors who are all in favor of the application. They are extending a back porch 4 feet out from the house with covered roof. As an overview, Commissioner Brown states the current structure is being raised and the applicant is applying for variance on the setback and not on the coverage. He further states, the “trapezoid shape roof” an extension of the existing roof is to connect to the existing front porch roof.

Being there were no comments from the public, Chairman Moore moved to close the public portion of the public hearing; seconded by Commissioner Brown and unanimously approved.

Deliberations

During deliberations, Commissioner Brown stated this is a preexisting non-confirming lot that is close to the property line. He states the current size of the property and location is acceptable and he is in favor of the application. Commissioner Crowe agreed. Commissioner Gilbert states he does not see any hardships but agrees that this is a non-confirming structure and accepts this as an intensification. Other Commissioners agreed.

Chairman Moore moved to close the deliberations and unanimously approved.

Commissioner Gilbert made the motion to approve the application as requested, section 3.6d to allow an 8’ side yard setback where 12’ is required using intensification as the reasoning, Seconded by Commissioner Crowe and unanimously approved.

The commission took a five-minute recess (7:55pm – 8pm); unanimously approved.

8260 47 West Wharf Rd. Map 26, Lot 67, R-4 District. Owners: Louis and Cynthia Ursini; Applicant: Gulick & Company. Request to vary Madison Zoning Regulations 3.8b to allow 739.71sq ft over maximum coverage and 3.6c) 15’ rear yard setback where 20’ is required to construct a new 2508.71sq ft dwelling and pool.

Travis Gulick from Gulick & Company represented the applicant. Garry S. Leonard, architect was also present. Mr. Gulick showed a schematic site plan of 47 West Wharf Rd., he states they are proposing a new construction in a flood zone, a second floor is being added to accommodate a third bedroom, and the house is currently 98 ft long and the new construction would be 79ft. They are also adding an inground pool 10’x20’- which is 5’ over the building setback. The following variances are requested: Section 3.8b - new house with 2508.71 sq. ft. – 739.71 over
allowed coverage; section 3.6c - building a pool within the rear, setback from 20’ to 15’. Mr. Ursini, owner states he has no written confirmation but did speak with owners to the left and right of the property and they are in favor of the application. Commissioner Crowe states he does not understand the hardship of not having a pool. Mr. Gulick explained if the house was made smaller to accommodate the pool, the house will not be efficient.

Comments from the public:

Tracy Wilds and Juko Otsuki – 54 Cherry Lane spoke against the application as they do not see any hardships. Their biggest concern is the pool and possibly causing flooding as the volume being displaced by the pool risks running off into other properties. They also had concerns about the septic system and drainage and its impact.

Mr. Gulick states there are no issues with the drainage and the septic will 100% satisfy the health code requirements.

Being there were no comments from the public, Chairman Moore moved to close the public portion of the public hearing; seconded by Commissioner Crowe and unanimously approved.

Deliberations

Commissioner Brown states the only legal hardship he sees is the lot being small and the shape of the lot could potentially be seen as a hardship. He further states the new construction is consistent with the aesthetic of the neighborhood and in regards to the pool, he does not see a legal hardship to approve this variance. Commissioner Crowe states, the need is to have a house that is livable and he is in favor of variance section 3.8b. All commissioners agreed and stated there only issue with this application is the pool as they do not see a hardship for the pool.

Chairman Moore moved to close the deliberations, seconded by Commissioner Brown and unanimously approved.

Commissioner Brown made the motion to approve the variance for section 3.8b and deny variance to section 3.6c on the basis that literal enforcement of the zoning rules and regulation will result with a house that is not consistent with the neighborhood’s aesthetic. Seconded by Commissioner Piggott and unanimously approve.

APPROVAL OF MINUTES: January 11, 2022, Regular Meeting

Commissioner Brown made the motion to approve the January 11, 2022 minutes; it was seconded by Commissioner Piggott and unanimously approved.

ADJOURNMENT

Commissioner Gilbert made the motion to adjourn at 9:53pm, seconded by Commissioner Crowe and unanimously approved.

Respectfully submitted,
Racquel Stubbs

Zoning Board of Appeals, May 10, 2022