

Town of Bristol  
Zoning Board of Appeals

April 12, 2016  
Minutes

Members Present: Chairman Marty Snyder, Steve Smiley, Jen Sanford, John Krebbeks, and Sandra Riker, Secretary  
Excused: Donna Beretta

Others Present: Wendy Meagher, Justin Kellogg, and Pete Wojtas

Minutes: The minutes of March 8<sup>th</sup> were approved with a motion by Steve Smiley and a second by Jen Sanford. All Board members present agreed.

Richman Area Variance:

The Chair stated this meeting is a continuation of the public hearing opened at the March 8<sup>th</sup> meeting of the ZBA.

Justin Kellogg summarized for the Board the events that have occurred prior to this meeting:

- 3/8/16 met with the ZBA for the first time and at the time the Variance request was for the average height of the house to be 35'4" instead of the required 30' allowed in the A-C district  
ZBA asked the applicant to reduce the requested height Variance, the Engineer and the Richman's explored the options and decided they did not need to reduce the height.
- Mr. Richman and Justin met with the Code Officer to discuss the application and how the height variance was determined. The Code Officer said that the height at all 4 corners of the house should be combined and then averaged to come up with the actual Variance request. Mr. Richman pointed out that is not the way our Zoning is written: it states- "Building Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the roof. " When this method was applied the height request would be for 33'3". If they were to follow the Code Officer's method as used by most towns the height request would be for 34'8". This would require the applicant to spend \$20,000 in retaining walls to be built around the foundation.
- Mr. Richman reached out to our Town Attorney who agreed the method used to determine height should be what is written in the Town Regulations.

The Board asked if the Architect for this project was aware of the Town Regulation regarding the 30' height requirement. Ms. Meagher said she did not know the answer to this question. It

was mentioned that the applicant felt they were asking for a minimal variance and given the placement of the home on the parcel the home would not be visible to the surrounding neighbors. Pictures taken by Mr. Richman were provided for the Board to observe the visual distance to nearest neighbors.

The Board's concern is that the height requirement of 30' has not been considered as even a starting point to figure the overall height of the house. The problem is self-created, the applicant is aware of this and the reasoning is this is what they want their home to look like.

The Board pointed out that desire is not a compelling reason to grant a variance. Someone should have been aware of the code requirements prior to starting the process of designing and placement of the home.

The Board agreed that when the calculation is completed they must follow the Zoning Regulations as written not by another method. They added if the front height could be 30' or less this would make it easier to justify the need for the Variance.

A motion was made by Steve Smiley and a second by Jen Sanford to table the application until the next meeting and continue to hold the public hearing open to provide the applicant to:

1. Alter the design of the home so it fits the Zoning Requirements or
2. Provide a compelling reason why a Variance should be granted.

#### Crown Castle Letter of Credit

the Town Engineer and Town Attorney along with the ZBA Board have reviewed the Draft Letter of Credit by Crown Castle for the removal of the Tower if needed as well as provision for soil and erosion control and find it adequate. A motion was made by Marty Snyder with a second by Steve Smiley to send the Draft Letter of Credit on to the Town Board for their approval. All Board members present agreed.

#### Question from CEO:

A property owner on County Road 32 has a 1 acre parcel that he purchased from his uncle in 1985 and he was under the impression he could build a home or place a trailer on the parcel for his use but did not pursue it at the time of purchase of the land. Since the time zoning was put in place (1972) the minimum lot size for a single family home has been 80,000 square feet or 1.83 acres making the 1 acre not a buildable lot. The minimum building lot size was increased to 2 acres in the early 1990s. The Gentleman is very frustrated because he does not have any options to do anything with this parcel other than pay taxes on it. The CEO is asking the ZBA Board for its opinion to this matter.

The Board feels there are two choices here:

1. Sell the land to an adjoining neighbor to incorporate it into their parcel or:

2. Follow Article Six – Provisions applicable to all use districts, Section VII, item C.  
“After a permit is obtained from the Town, it is allowed to place one tent, RV or pop-up on a parcel of vacant land for a period not to exceed ninety (90) days in a calendar year.”

A motion was made to adjourn the meeting by John Krebbeks with a second by Steve Smiley.

Respectfully submitted,

*Sandra Riker*

Town of Bristol  
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Secretary

At the June 14, 2016 the minutes of April 12, 2016 were approved as corrected with a motion by Steve Smiley and a second by Jennifer Sanford, All Board members agreed.