

**MINUTES**  
**Sachem's Head Association Zoning Board of Appeals**  
Town of Guilford  
April 29, 2013

A meeting of the Sachem's Head Association Zoning Board of Appeals (SHAZBA) was held on April 29, 2013 at 7:00 p.m. at the Nathanael Greene Community Center. With Chairman Jeff Cooper presiding, the meeting was called to order at 7:00 p.m.

**Present:** Jeff Cooper, Chris Scriabine and Andrew Fisher. Alternates Matt Wilson, Jeff Weber and Phil Hamrock were also present.

**Additionally:** Russell Campaigne (architect for application), the applicant Frank and Jane von Holzhausen and Planning and Zoning Chairman Bob Davidson.

Chairman Cooper certified that the legal notice for the public hearing was posted and was being held within the specified required time. It was advertised twice in the newspaper with the required notification period. Notice was also given to abutting neighbors.

The meeting was called on application of Frank and Jane von Holzhausen of 28 Loyal Ledge Lane, Map. No. 001, House No. 28, Assessor's Lot No. 017, following a decision on March 25, 2013 by the Sachem's Head Association Zoning Commission to deny the applicants' application for Zoning Compliance with respect to proposed renovations at the subject property. The applicant, in accordance with the attached application, is seeking variances from Section 6, 6.2 and Section 9, 9.1(6) of the Sachem's Head Association Zoning Ordinance with respect to:

- a. Setback from Street
- b. Setback from Rear Yard
- c. Building Height
- d. Lot Coverage
- e. Floor Area

The appeal is based on a hardship that the property owner will have in complying with the Association's Zoning Ordinance with respect to the repair of Storm Sandy related damage in accordance with the Town of Guilford's Flood Ordinance and FEMA regulations. Rebuilding of the applicant's residence in accordance with the Town of Guilford's Ordinance and FEMA regulations would not be permitted under the Association's Zoning Ordinance unless a variance from the Association's Ordinance is granted.

Chairman Cooper stated that the SHAZBA will be deciding whether to grant a variance. He also indicated that a hardship or practical difficulty must be shown in order for this to occur.

Guilford's town engineer has reported that the von Holzhausen's home suffered severe damage as a result of Hurricane Sandy and the amount of damage is greater than 50% of the home's structural value. The home must be rebuilt to be compliant with the new FEMA regulations. The proposed rebuild would be in violation of SHA's zoning regulations of an already non-conforming structure that has been grandfathered.

Russell Campaigne of Campaigne Kestner Architects, representing the applicants, made a detailed presentation of two options for rebuilding the applicants' home which suffered severe damage in Storm Sandy. The preferred option is the one that the variance is being sought for in which the home would be moved out of Zone V. The proposal involves moving the home 25 feet away from the water with the front setback remaining the same, the rear setback would be increased, the lot coverage would go from 21.3% to 18.8% and the floor coverage would go from 34.6% to 33.2%. Russell Campaigne stated that if the variance is not granted, the homeowners cannot re-occupy the home and this is a hardship. The proposed plans also include saving the original part of the cottage, adding new construction and a new septic system. He indicated that there are only two options available, the one proposed where the home is moved back into less restrictive Zone A (elevation 12 feet) or a second where the home remains in Zone V (elevation 17 feet) requiring it to be raised five feet higher than that required in Zone A pursuant to FEMA regulations.

Abutting neighbors Ann and Tony Cooper spoke in favor of the proposed plan. Merrilyn and Ray Garcia, also abutting neighbors, spoke in support of the plan as well.

SHA Zoning Chairman Bob Davidson stated that the zoning ordinance was written to provide reasonable land use. He stated that this is the first instance like this that SHA will have. People are being forced to make these changes and he feels this is a clear hardship. He reported that the current zoning ordinances did not allow the zoning board to approve the plans but that the SHA Zoning Commission is in favor of it.

John Woodward, abutting neighbor, stated that the proposed plan is positive and a good solution for the problem. Another neighbor, Deborah Judelson, stated that the new plan may hinder her view slightly but she did not speak out against the proposal.

Jane von Holzhausen thanked everyone for their time and support.

**The Sachem's Head Zoning Board of Appeals (Chris Scriabine, Andrew Fisher and Jeff Cooper) voted unanimously to approve granting the variance after finding that an unnecessary hardship peculiar to the property in question would result to the applicants from a strict enforcement of the zoning regulations. The Board found that the special circumstances attached to the applicants' property by reason of damage from Storm Sandy and the inability to repair the property for habitation in compliance with the Association's Zoning Ordinance while also complying with the Town of Guilford's Flood Ordinance and FEMA regulations constitutes a hardship contemplated by the Zoning Ordinance for which a variance may be**

**granted. The Board also found that the relief granted by the Board could be so granted without detriment to the public welfare or impairment to the integrity of the Zoning Ordinance.**

The meeting adjourned at 7:46 p.m.

Respectfully submitted,

Robin Sogge  
Recording Secretary, Sachem's Head Zoning Board of Appeals  
Assistant Treasurer, Sachem's Head Association