

MINUTES
Sachem's Head Association Zoning Board of Appeals
Town of Guilford
June 29, 2009

A meeting of the Sachem's Head Association Zoning Board of Appeals (SHAZBA) was held on June 29, 2009 at 5:30 p.m. at the Town Hall Selectmen's Meeting Room. With Chairman Barbara Henningson presiding, the meeting was called to order at 5:30 p.m.

Present: Barbara Henningson, Chris Scriabine, Jeff Cooper and alternates Matt Wilson and Andrew Fisher,
Additionally: Russell Campaigne (architect for applicant), the applicant Colin Gordon and Planning and Zoning Chairman Bob Davidson

Chairman Henningson certified that the legal notice for the public hearing was posted and was being held within the specified required time. It was advertised in the newspaper twice within the required notification period.

Mr Colin Gordon; property located at 57 Chimney Corner, Map 736, Lot 550, Zone C. Special Appeal: Enlargement of existing garage to accommodate 2 cars and approval of adjustment to foundation orientation upon rebuild . Received 6/8.

Presentation was made by Architect Russell Campaigne. The applicant is requesting to raze the current house and rebuild in approximately the same location, with a 5° change in orientation in order to more effectively utilize the solar aspect of the location. The property has been resurveyed and a discrepancy was discovered in their favor which added an additional 1500 SF to the lot. The proposed building is in compliance from the FAR and lot coverage perspectives of the current zoning. The new structure will still be within the rear setback. They have a letter from a structural engineer stating that the existing foundation, which is block on ledge, would not be able to meet current codes with the new house built on top. He explained which lot line was considered the front. The lot is an interior/pocket lot.

Jeff Cooper – does this comply in all aspects with zoning?

Russell Campaigne – except for the rear setback. The house can be located on exactly the same footprint with an administrative approval.

Jeff Cooper – why rotate the house 5°?

Russell Campaigne – solar orientation. This 5° orientation brings the house to within 10° of due south. This application substantially meets the intent of zoning and doesn't have a negative impact on zoning.

Jeff Cooper – what is the purpose of the solar panels?

Russell Campaigne – this house is enrolled in a Net Zero energy competition through the utility company and the modeling that is being done, energy wise, is about 85 to 88% better than code. There will be no cost to heat or cool the house, this being offset by the 9 kilowatt array than they are planning to do in a solar thermal system, mostly done through super high efficiency insulation systems and such. This is a goal of the project and a motivation behind the request.

Jeff Cooper – what does rotation do to the view corridor?

Russell Campaigne – it will open the view by about 10'-15' for the public way. It will not impact the neighbors. The Pandreaud's have submitted a letter in support and the Quirk's are neutral on the proposal.

Chris Scriabine – they did say they were neutral on the project but nothing was received in writing.

Bob Davidson – questioned the intent of the use of the word “exactly” in the regulations and whether they were really meant to be so precise. No foundation, when it is replaced, is exactly where the original one was.

Russell Campaigne – in the new plan, the FAR is being reduced substantially within the nonconforming zone. The bulk within the nonconformity is lessened from what it is now. More of the bulk is being moved to the compliant area of the site and overall the FAR is being reduced by 250 SF and the lot coverage is being reduced by approximately 650 SF. They do not feel that any request of this application is detrimental towards the intent of zoning. They are pulling back in all regards. They are taking a nonconforming FAR and putting it into conformity. Lot coverage is being met and by this rotation, there will be opened up approximately 15' of additional view corridor. The hardship for this project is the lot constraint, the lot shape as far as the setback condition and the placement of the preexisting building that was there before. It is basically the best location on the site. The best septic system location is in the proposed view corridor.

Jeff Cooper – does rotating it help the septic location?

Russell Campaigne – no, it has no impact. There is plenty of room for the septic.

Jeff Cooper – within the regulations, there are two reasons to grant a variance; they would be practical difficulty or unnecessary hardship. Would it be fair to say that there is a practical difficulty here because you wouldn't get full efficiency from the heating system if it is not moved this 5°?

Russell Campaigne – that is a fair statement. There is a fallback but this is asking for a reasonable review and a reasonable understanding of what the intent of the zoning was as far as “exactly” meeting the existing footprint. The second part of the application is to allow enlargement of an existing garage to accommodate two cars. Right in the middle of the view corridor is an area to build a compliant two-car garage, 24'x 24'. It turns out that that location is also the very best location for the septic system. They would like to put the septic system there and not impact the view corridor. There is an existing one-car garage that they are proposing to expand to a two-car. They are proposing that the Board ask, “Is it in keeping with the intent of zoning to allow the applicant to expand an existing garage in order to better maintain a view corridor and allow, from a hardship position, an opportunity to better improve the septic.” He outlined the location of the existing garage with changes, noting that the size and shape are designed for less impact on view corridors. It will be tucked up against the side line which is well hidden by landscaping. It will have only one garage door.

Chairman Henningson – If the septic field was not going in its proposed location, there would be sufficient room, based on the lot size, that you would be able to put a garage of that existing size in that location?

Russell Campaigne – it could be twice the size of the proposed one and the existing one could still remain because there is enough lot coverage to allow it to remain.

Chairman Henningson – does it meet the required setback from the house?

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Russell Campaigne – 10' is required and they are 11.4 at the nearest point. Because of its location within the setback, any modification to it would require a variance.

Chairman Henningson – asked for comments from the Board.

Matt Wilson – Shouldn't the reduction in nonconformity be considered an improvement for this property?

Bob Davidson – it should be a consideration. Intent plays some role in both the interpretation and the application of zoning. From a global view, improving the orientation of this house is generally a very positive thing, not encompassed at this time in our zoning but something to be considered.

Chairman Henningson – closed the public portion of this hearing at 6:02 P.M.

Discussion - 5° reorientation

Jeff Cooper – there is a practical difficulty in getting a very efficient heating and cooling system which can be resolved by moving the house around. The move also improves the view corridor and the house is being reduced in size.

Chris Scriabine – this is the kind of thing that, as Americans, we want to encourage people to do and if it means shifting a house 5° then so be it.

Chairman Henningson – concurred.

A motion was made by Jeff Cooper, seconded by Chris Scriabine, whereby the Sachem's Head Association Zoning Board of Appeals voted unanimously to approve: Mr Colin Gordon; property located 57 Chimney Corner Circle. Map 736, Lot 550, Zone C. request for variance to allow adjustment to foundation orientation of 5° upon rebuild as proposed based upon the practical difficulty associated with the site.

Discussion – garage

Chairman Henningson – current lot coverage is 2875 SF. They are allowed 3650 SF. They are proposing 3118 SF. This is well within the allowable coverage. The lot clearly constrains the location of the septic tank. The expansion of the garage is not extravagant. Given the shape and the peculiarity of the property, this is a reasonable request.

Chris Scriabine – it is not going to impact the Quirk's view or anyone else negatively.

Chairman Henningson – it is not in any way violating the spirit of zoning.

Jeff Cooper – he concurred. Because they could, in conformity, put it where the septic field is proposed, which would force them to keep just a septic tank. It is a clear practical difficulty and undue hardship to force them to do that. The proposal helps the view corridor and permits a more reasonable septic system.

A motion was made by Chris Scriabine, seconded by Jeff Cooper, whereby the Sachem's Head Association Zoning Board of Appeals voted unanimously to approve: Mr Colin Gordon; property located 57 Chimney Corner Circle. Map 736, Lot 550, Zone C. request for variance to allow enlargement of existing garage to accommodate 2 cars as submitted based upon the practical difficulty and undue hardship that would be created by requiring the structure to be built in a conforming portion of the lot.

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The meeting was adjourned at 6:08 P.M.

Respectfully submitted,

J. Donnette Stahnke

Recording Secretary, Sachem's Head Association Zoning Board of Appeals