

# Minutes of the Town of Manchester Zoning Board Meeting of December 7, 2021 – 7:00pm

**Present:** Jessica Hemenway, Leonard Bolton - members, Kenneth Blazey - Chairman, and Steve DeHond - Code Enforcement Officer and Nichole Ruggles - Recording Secretary

**Absent:** Michael Blazey, member

**Also, present:** Mary Jo Carmel, Kyle Gardner, Steven Gardner and Terence Bieck.

**Appeal 4621-21:** Steven Gardner was present and requesting a use variance to sell used vehicles. There is an existing building on the site. Property located at 1022 State Route 21, tax map no. 20.00-1-47.111 in a A-1 district pursuant to Chapter 325 Section 10-A-D permitted uses. 325-75-site.

Kenneth Blazey reviewed the public hearing notice. Kenneth also reviewed the environmental assessment form and discussed with the board where the property is located on the map. There is a 40 by 60 shop already on the property. You cannot see it from the road. Mr. Gardner plans to put in a septic unit eventually, and has plans to put up a sign out front on Route 21. The sign meets the code regulations.

Has anyone gone out to see the property?

Leonard Bolton, I went and saw the property, it's a nice area.

Jessica Hemenway, I went and saw the area but could not see the building. You want to sell used vehicles from the building you already have on the property?

Steven Gardner, correct; there is an existing shop in the back with parking.

Jessica Hemenway, would you enter the property from 21? Would you have cars out front for sale located on 21?

Steven Gardner, yes, the entrance is on 21. No cars will be parked up front by the road. There is a parking lot next to the building so no need for cars to be out there. The only thing that will be by the road is the sign.

Kenneth Blazey, the county recently denied the variance due to not enough financial reason the property won't pay for its self. At this time Kenneth read the comments of denial. No property changes but the sign of hardship is not self-created. It's an agriculture land and you must show good reason of hard ship on the land. This property is marked as agriculture but it's not great agriculture land, it's all gravel and trees throughout the property. We can make limitations on how many cars at a time, thinking 10.

Leonard Bolton, how would people know your there to sell cars?

Steve Gardner, internet sales and there will be a sign out front.

Leonard Bolton, no Sundays, right?

Steve Gardner, correct.

Jessica Hemenway, I have concerns about putting a business in the area by residents.

Steve Gardner, showed the board a map of the property and discussed some of the surrounding residents. The closes neighbor approves of this and were present at the last meeting. The other neighbors were notified and haven't had any complaints.

Jessica Hemenway, my concerns are having commercial business that's behind trees where we can't observe. Attractions from the internet sales are concerning as there have been an increase of illegal activities in the area. Its not you, but could be appealing to others.

Steve Gardner, the property does bump up to other commercial business like, Monroe, Fore Recycling and a Trucking company. Not to down play your concerns in any way. This wouldn't be a constant business. Right now, I am still working full time but that could change as of January.

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Jessica Hemenway and Kenneth Blazey reviewed the industrial area on the map.

Kenneth Blazey, we can recommend restrictions like, no more than 10 cars at a time. Hours of operation being 6 days a week, closed on Sundays.

Does anyone have any other questions? Hearing none.

A motion was made by Kenneth Blazey to **approve** the Use Variance with restrictions of the following: No more than 10 cars at a time. Hours of operation 8-9pm 6 days a week being closed on Sundays. An approved code sign will be the only thing seen by the road. Appeal #4621-21 to sell used vehicles. There is an existing building on the site. Property located at 1022 State Route 21, tax map no. 20.00-1-47.111 in a A-1 district pursuant to Chapter 325 Section 10-A-D permitted uses. 325-75-site.

Motion seconded by Leonard Bolton.

The motion was denied by Jessica Hemenway.

Motion was Denied based on having 3 board members, you need to have majority plus one, to override the county denial.

Steven Gardner, can I ask why this was denied?

Kenneth Blazey, it was denied due to the number of votes needed to approve. At this time the board reviewed the Use Variance Findings and Decision form. The ZBA, taking into consideration the four factors.

Jessica Hemenway, I denied based on this was a use variance vs an area variance. It has to have pretty substantial reasons. It didn't provide financial disclosure and it's not a permitted use in the district.

Chairman Blazey informed Mr. Gardner of his right to appeal the decision of the board within 30 days.

**Appeal 4623-21:** Mary Jo Carmel was present and requesting an area variance for a new home with a front setback of 50' feet when the code calls for 75' feet. Property located at Stafford Road, tax map no. 2.00-1-28.200 in a A-1 district pursuant to Chapter 325 Section.

Kenneth Blazey reviewed the public hearing notice. Kenneth Reviewed the variance application. Discussed that there was a previous house where applicant is requesting the setback. Keeping the same location will avoid flooding issues. At this time the board reviewed the survey map.

Steve DeHond, I requested to the applicant to apply for a variance to move the setback of the building to where the existing home was due to potential flooding issues.

At this time the board reviewed the Area Variance Findings and Decision form. The ZBA, taking into consideration the five factors, finds that the benefit to the applicant **does not** impose a detriment to the neighborhood or community.

Hearing none, Chairman Blazey closed the public Hearing.

A motion was made by Kenneth Blazey to **approve** an Area Variance Appeal #4623-21 front setback of 50' feet when the code calls for 75' feet. Property located at Stafford Road, tax map no. 2.00-1-28.200 in a A-1 district pursuant to Chapter 325 Section.

The motion was seconded by Jessica Hemenway.

All voted "Aye". Motion carried.

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## **Previous Minutes:**

A motion was made by Kenneth Blazey to approve the minutes from the last meeting which took place on July 6, 2021. The motion was seconded by Leonard Bolton.  
All voted "Aye." Motion carried.

Meeting adjourned at 7:35pm

Respectfully submitted,

Kenneth Blazey  
Chairman, Zoning Board of Appeals

Nichole Ruggles  
Recording Secretary