

**TOWN OF SOMERSET
ZONING BOARD OF APPEALS
MARCH 12, 2024
6:00pm**

Present Scott Ecker, Chairman
 Amos Andrews
 Larry Dent
 Joe Provencher
 Kent Wakefield
 David Haylett, Attorney

Builder – Richard Truesdell
Public Attendance - 3

AREA VARIANCE HEARING

Owner/Applicant Payam Ghalili
Property Location 9139 Somerset Drive

Application to consider variances of the Town Code to 1) construct a single family dwelling on a parcel that has 50' lot width where the code requires a minimum of 100'; 2) to construct said single family dwelling 7.5' from the east line and west line of said parcel where the code requires a minimum of 15'; and 3) to construct said single family dwelling on a 10,500 square foot lot where the code requires a minimum of 20,000 square feet for a single family dwelling. Along with the application, the applicant submitted a floor plan of the single-family dwelling, Short Environmental Assessment form, and a Site Plan. There was an email notification from neighbor, David & Nancy Parrish (9137 Somerset Drive) stating "Due to the fact that we are currently in Florida and unable to attend the meeting, we are asking Robert King to act on our behalf in regard to Payam Ghalili's request." The letter states that they are not willing to grant Payam's request to build 7.5 feet from the east lot line.

The hearing opened at 6:00pm with R. Truesdell explaining the project as follows:

1. There will be a teardown of the existing structure; a new house with a foundation will be built.
2. The east wall will stay the same; the new house will extend to the west and closer to the lake.
3. It is expected to use the footprint of the existing house.
4. A septic with a sand filter system will be placed on the southside, 10' off the right-of-way.
5. The water line will be relocated.

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S. Ecker opened the hearing up to questions or concerns from the board members and the public. Discussion ensued regarding the following:

- Pine trees are on the east side of the property- if roots are disturbed, there could be issues; who would be held liable for damages?
- Adequate space for parking vehicles if there is only 7.5' setback
- Drainage problems for the adjacent neighbors if the land is raised up
- The neighbor to the east of the property said that she would be willing to allow for a 10' setback from her property line.
- Could a compromise be made, and a redesign be done which would allow for a 10' side setback on both the east and west side, and/or could it extend further north and south?

Atty. Haylett commented on the 5 factors to consider when making a decision regarding an Area Variance as follows:

1. Whether an undesirable change in the character of the neighborhood will be created
Answer: It most likely would fit in with the character of the neighborhood.
2. Whether the benefit sought can be accomplished by some method feasible for the applicant to pursue
Answer: The size of the house could be reduced.
3. Whether the request is substantial
Answer: The property is half the minimum lot size requirement.
4. Whether the variance will have an adverse impact of the physical or environmental conditions in the neighborhood
Answer: There could be a drainage issue.
5. Whether the difficulty is self-created
Answer: Yes, it is self-created because the lot was purchased with existing zoning law requirements.

With no further discussion, the hearing was closed at 6:38pm.

APPROVAL OF THE MINUTES

On a motion by K. Wakefield, seconded by A. Andrews to approve the Minutes from February 6, 2024, the following resolution was

ADOPTED Ayes 4 Andrews, Dent, Ecker, Provencher, Wakefield
 Nays 0

Resolution: The Minutes from February 6, 2024 were accepted as submitted.

COMMUNICATIONS

There were no communications

OLD BUSINESS

There was no old business

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NEW BUSINESS

Re: 9139 Somerset Drive

Atty. Haylett explained that a decision from the Zoning Board could be made that evening, or that it could be tabled for the April 2, 2024 meeting. On a motion by k. Wakefield, seconded by J. Provencher to leave the Variance decision open, the following resolution was

ADOPTED Ayes 5 Andrews, Dent, Ecker, Provencher, Wakefield
 Nays 0

Resolution: The decision regarding Variances for 9139 Somerset Drive are tabled for the April 2, 2024 Zoning Board of Appeals meeting.

ADJOURNMENT

There being no further business, K. Wakefield made a motion to adjourn the meeting at 6:39pm, seconded by J. Provencher. Carried unanimously.

Respectfully submitted

Sandra Lewis
Zoning Board Secretary