

HULL ZONING BOARD OF APPEALS

Applicant: Dean Doty and James Brown

Property: 1083 Nantasket Avenue

Date: Thursday, March 15, 2012

Time Meeting Began: 7:36 p.m.

Time Meeting Concluded: 8:06 p.m.

Place of Meeting: Hull Municipal Building, Main Meeting Room

Zoning Board Members Present for Hearing:

Alana Swiec, Chair	Sitting	Attending	Absent	Abstain
Dr. Roger Atherton, Clerk	Sitting	Attending	Absent	Abstain
Atty. Mark Einhorn, Member	Sitting	Attending	Absent	Abstain
Jack Baringer, Associate	Sitting	Attending	Absent	Abstain
Phillip Furman, Associate	Sitting	Attending	Absent	Abstain

Others in Attendance:

Hildred Parent, Board Secretary

Karen Morgan, Recording Secretary

Dean Doty, Applicant

General Relief Sought: Decision – Pursuant to the Zoning Bylaw, Section 31, Single Family Residence Districts, A, B & C stating “Only one dwelling unit per lot is allowed.” Filed by Dean Doty and James Brown on property 1083 Nantasket Avenue seeking a Special Permit/Variance to perform alterations to the guest house by installing a new door/siding. The existing guest house requires a variance as the main dwelling is within a single family zone, Section 31.

General Discussion:

Ms. Swiec opens the hearing by reading the General Relief Sought to the audience. Mr. Doty presented Ms. Swiec updated plans.

Ms. Swiec reads of a letter in support of application from Stephen and Christine Hendricken of 1084 Nantasket. A copy of the letter can be obtained in the office. They have no objections but will not support further expansion.

Pictures of the said property is submitted to Ms. Parent for the file.

Mr. Einhorn addresses Mr. Doty by stating that it will be difficult to approve the variance requirement. He then proceeds with reciting the rules for a variance to Mr. Doty. For variances, it's a rare instance for variances to be granted. It's hard to meet because you are only granted a variance, for example, if you have an odd shaped lot. He is having a hard time for this to meet the criteria. He would personally like to grant the variance, but they deny variances because it's such a high standard. The hardship has to be about the lot. This is probably why the former predecessor didn't apply.

Mr. Atherton agrees with Mr. Einhorn's conclusions. He says to Mr. Doty that since the applicant bought a place that looked logical as a garage and then you got there and you find out that it's really a cabana, but it's obvious when the applicant talked to Mr. Lombardo, he thought it was a garage, not a cabana. Not a living space, just a garage and therefore he had to say that it needed a variance. Mr. Atherton can't see the justification for a variance. Mr. Atherton likes the work that Mr. Doty did on the unit, but he can't figure out how to make it work.

Mr. Swiec asked Mr. Doty how Mr. Fordham entered the building. Mr. Doty said that there was a side door. Mrs. Doty said that it's been a house. She said that the reason she purchased the house was it's because it had a guest house. They wouldn't have bought if it didn't. They were told that it was a guest house, not a garage. Her mother can't go up and down steps and that's why the house was bought.

Mr. Baringer suggests if the two structures can be connected so it can be an in-law suite which is allowed.

Mr. Einhorn said that there is an option for that.

Mr. Doty said that if that's what it takes, then he'll connect the two units.

Mr. Einhorn said that it has to be a covered part of the house. Mr. Baringer stated that if it was connected, it would be a totally different standard.

Ms. Swiec said that Mr. Doty said that he found a full set of plans in the attic from Mr. Fordham that shows about the two units connecting. Mr. Doty said that he can't use those plans because they were the scope of the main house right now.

Ms. Swiec recommends that rather than take a vote, she suggests, though she's not sitting on this decision, to deny without prejudice so the applicants can come back at any time. The board can't approve what has been submitted. She thinks Mr. Doty's recommendations with connecting the two structures is the way to move forward and to talk to the building inspector about the requirements of building standards. She doesn't believe that there will be a lot for the applicants to do, just as long as the structure is closed. They have a fence there now, so they won't be losing any space.

Mr. Doty agrees.

Ms. Swiec said that she'll give Mr. Lombardo a call and explain the details of this meeting so he can have some background before Mr. Doty calls.

Mr. Doty also suggested if perhaps they can cut off the lot and make it its own address. Mr. Einhorn said that he would have to go before the Planning Board. Mr. Doty asked what the square foot requirements would be. Mr. Doty said that he has a certified lot plan. Mr. Baringer says that he wouldn't have any issues with coverage. Ms. Swiec said that it wouldn't be viable, but better to connect the two units. She said to go to the building inspector first for their recommendations.

Mr. Atherton said that he has the front coverage. All he needs is 60 feet and he has 66. Mr. Baringer said that they don't need the front set back. They need the back set back. The coverage is not an issue.

Ms. Swiec says in order to dissolve the lot lines and have two separate properties, they would have to go to the Planning Board. Mr. Baringer said that he should connect the two and make it an in-law suite.

Mr. Swiec said that we can continue this. Mr. Baringer said to continue instead of deny. Mr. Einhorn said he is sure that he won't permit a variance. Mr. Baringer said that he would rather have nothing on this property rather than a denial.

Mr. Doty understands the Board's decision and thanks the Board for their time.

Motion to continue to April 19, 2012

Member	Motion	Second	For	Against
Alana Swiec, Chair	X		X	
Dr. Roger Atherton, Clerk			X	
Atty. Mark Einhorn, Member			X	
Jack Baringer, Associate		X	X	

Action Taken, if any:

Clients asked to come in on March 19, 2012 to file a continuance. Continued to April 19, 2012, 7:30 p.m. for a Decision.

Recorded by Karen Morgan

Approved by Roger Atherton

All actions taken:

All action taken includes not only votes and other formal decisions made at a meeting, but also discussion or consideration of issues for which no vote is taken or final determination is made. Each discussion held at a meeting must be identified; in most cases this is accomplished by setting forth a summary of each discussion. A verbatim record of discussion is not required.