

# Auburn Board of Appeals Meeting Minutes April 18, 2019

## **ROLL CALL:**

**Regular Members present:** Courtney McDonough – Presiding, Dana Staples, Michael Corey, Kristen Muszynski and Kyle Hall

**Regular Members absent:** Christopher Gendron and Bruce Richardson

**Associate and other Members present:** Deana Chapman and Michael Mathieu

**Associate and other Members absent:** None

**Also present representing City staff:** Eric Cousens, Deputy Director of Economic & Community Development.

Chairperson McDonough called the meeting to order and asked for a roll call. She stated since 2 full members were absent, Michael Mathieu and Deanna Chapman would be appointed as full members for this meeting. She then proceeded to read the following appeal for the record:

**Appeal of Leslie and Bert Pelletier; Leslie Pelletier is the owner of property at 83 West Dartmouth Street. The appellant is requesting variance from Section 60-278(3)c of the Code of Ordinances of the City of Auburn. The intent of the appeal is to allow relief from the front setback requirement of the Urban Residential Zoning District at 83 West Dartmouth, PID# 280-024 pursuant to Chapter 60, Article XV of the City of Auburn Zoning Ordinance.**

Chairperson McDonough explained the process of the Board of Appeals and gave the appellant the choice of presenting their case first or waiting until after the City presented their side.

James Pross, Attorney for the Appellant, stated they would like to present their side of the case first. He introduced the applicants, Leslie and Bert Pelletier, their daughter Emma and their granddaughter Millie. Mr. Pross then proceeded to read the full details of the appeal to the Board.

### **25:30 on recording**

Leslie Pelletier, owner of the property at 83 West Dartmouth Street and Appellant, went over the timeline of how the appeal came to be. She apologized for her error in not filing for a permit.

Eric Cousens presented the City side of the case.

### **36:15 on recording**

A motion was made by Dana Staples and seconded by Kyle Hall to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

No comments were made from the public.

A motion was made by Kristen Muszynski and seconded by Dana Staples to close the public input part of the hearing. After a vote of 7-0-0, the motion carried.

Michael Mathieu commented that the biggest issue with this appeal is not filing for a building permit because if a permit would have been sought, the setbacks would have been discussed. He added that the right-of-way is deceiving so a variance probably would have been approved anyway.

Deana Chapman said she agreed with Mr. Mathieu's comments and said they aren't the first not to file for a permit. She said she feels it would have been approved with a permit anyway.

Dana Staples said that as far as he was concerned, they met the conditions, so he was in favor of a variance. He added that the one part that bothered him is that there are rules and with the Board granting a variance, sort of sounds like breaking the rules is ok which kind of sets the precedent that in future appeals like this to go through.

**40:00 on recording**

A motion was made by Michael Mathieu and seconded by Michael Corey to approve the variance request of Leslie Pelletier, owner of property at 83 West Dartmouth Street to allow relief from the front setback requirement of the Urban Residential Zoning District at 83 West Dartmouth, PID # 280-024 pursuant to Chapter 60, Article XV of the City of Auburn Zoning Ordinance.

Eric said ideally, the motion would specifically include a vote to approve based on that the findings 1 thru 4 of the variance criteria have been met.

Dana Staples amended the motion to include the language that Eric just referenced. After a vote of 7-0-0, the motion carried.

Eric stated that staff will draft a certificate which the Appellant will need to take to the registry of deeds to be recorded within 30 days. He also instructed the Appellant to continue working with the City to complete the permitting process.

A short discussion ensued amongst Board members and Eric regarding possibly adopting language that would consider the average setbacks of multiple houses on a street if a particular house couldn't meet the 25 ft required setback as listed in the zoning ordinance.

**46:45 on recording**

**ADJOURNMENT**

A motion was made by Kristen Muszynski and seconded by Kyle Hall to adjourn the meeting. After a vote of 7-0-0, the meeting was adjourned.