



Zoning Board of Appeals

Special Meeting

Tuesday, April 2nd, 2024 at 7:30 p.m. via Zoom

MINUTES

In attendance: Chairperson Ilene Richardson, Vice Chairperson Jim Low, Members Dan Gilbert, Macleod Snaith, Alternate Richard Wolf, and Land User Director Richelle Hodza.

1. Call to order, roll call, seating of alternates.

The meeting was called to order by Land Use Director Richelle Hodza at 7:30 p.m. Mr. Wolf remains seated as a voting member for the deliberation.

2. Discussion and Decision

20 Old Kings Highway | Application for Variance | Craig L. Cohen, Owner/Applicant Relief from §374 which prohibits certain increases to any non-conforming feature or structure.

Chairperson Ilene Richardson reminded everyone this case is closed for public discussion. Before starting discussion and deliberation, Ms. Richardson verified Mr. Low reviewed the recording of the public discussion regarding this case.

Mr. Gilbert started thanking the applicant, Mr. Cohen, for his patience in getting all the board members together for the deliberations. Mr. Gilbert read a phrase from a court case similar to this case “the fact that the owner is prohibited from adding a structure to the property is not constituted legally cognizable hardship.” Mr. Gilbert mentioned that the homeowner has use of the property and use of the attic at the moment. Because of this, it would be hard for the board to approve this variance.

Ms. Richardson added that regarding the same court case, a financial hardship has to be tied to the application. In this case, the house still has value and not being able to use the attic space unfortunately would not affect the value of the house.

Mr. Snaith mentioned that an inconvenience of use does not constitute a hardship.

Mr. Low pointed out that the application mentioned that safety is an issue that can be a big element for the board to approve a variance. However, in this case Mr. Low didn't feel this

case could rise to the level that would permit the board to approve this variance.

Mr. Wolf took this opportunity to point out to the board the issue they face regarding how to accommodate families that would like to age in place in our town. He would like to see how safety and habitability can be tied with the restrictions in pre-existing non-conforming regulations.

Mr. Snaith added this could be an issue that should be brought to the Planning & Zoning Commission.

Ms. Richardson agreed and mentioned she has been talking for a couple of months with Land Use Director, Richelle Hodza, to come up with modifications to town regulations and present them to P&Z commission for review. She would like to get the board together and work, with Ms. Hodza guidance, on putting together some regulations for Weston residents to allow some minimized exceptions.

While most of the board members sympathized with the applicant's case, they felt this is not a strong case of safety or financial hardship to approve this variance, according to State regulations.

Mr. Low added that this board has no power to legislate. They can just follow the State regulations.

Ms. Richardson, hearing no further discussion, sought a motion for a decision. Mr. Gilbert made a motion to deny the application because there is no hardship. Ms. Richardson seconded the motion. Majority in favor, motion carried (5-1)

3. Consideration of minutes of previous meeting, March 26, 2024

Mr. Gilbert requested a minor change in the second item in the agenda: add the word to in the first sentence "Chairperson Mr. Low explained to the Applicant the options of voting this day...."

Ms. Richardson sought the motion to approve the minutes from the last meeting with that change. Mr. Low made said motion and Mr. Wolf seconded. All in favor (4-0-1)

4. Adjournment

Hearing no further discussion, Ms. Richardson sought a motion to adjourn the meeting. Mr. Gilbert made said motion and Mr. Snaith seconded. The meeting was adjourned at 8:05 p.m.

[Next regular meeting April 23, 2024, via Zoom at 7:30 p.m.]