

**TOWN OF THORNTON**  
**Zoning Board of Adjustment**  
**Meeting Minutes 10/22/07**

On, Monday, October 22, 2007 the Thornton Board of Adjustment met and held a “area variance” hearing request from property owners Robert & Paulette Viet, property location at 2401 Route 175.

Board Members present: Jim Demeritt, Chairman, David Gravel, Vice Chairman,  
Dennis Day, Giff Kriebel and Harry George

Notes taken by: Marianne Peabody, Clerk

Others present: Applicants: Robert & Paulette Viet

Abutter: Mahmoud Maher

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This hearing has been tape-recorded and the tape is made a permanent part of this record.

At 6:03 PM, Chairman Demeritt opened this hearing requesting that the applicants state their name and address for the record. He then requested that they give a description and explain to the Board and abutter present why they are requesting an “area variance” for a new carport.

Mr. Viet informed the Board that he and his wife own a one-story house on Route 175, that sits 13 – 14 ft from the boundary line. A grandfather garage sits on the boundary line. The foundation of this garage has eroded away from water run off from Route 175, and now is leaning onto the abutters property.

The Veit’s are proposing to demolish the garage and replacing it with a carport that would follow the ridgeline of the house and constructed to be attached to the house. This carport would have a setback of 2 ft. from the property line and would be constructed on sona tubes. The Veits feel that this would help with the erosion control and snow removal. The water run off would then pass through to the back of the property. Mr. Viet also stated that when maintenance needs to be down with the garage he needs to ask permission from his neighbor Mr. Maher to walk and or place equipment onto his property.

Abutter Mahmoud Maher showed concern with a new building not meeting the 15ft set back requirement. He told the Veit’s that he does not have a problem with them stepping onto his property for maintenance. He feels that a garage or some type of carport would be better in the back of their property. He has a concern with the tenants parking in front of the house and claims that it creates a hazard when they back out onto Route 175. Mr. Maher also stated that with the new carport being built at the proposed location it would be blocking his site distance.

After brief discussion, the Board decided that a site visit to the property was warranted.

A motion was made and seconded to recess this hearing until 10:30AM Tuesday when board members, applicants and abutters would meet at the Town Hall and then drive to the site located at 2401 Route 175. This hearing recessed at 6:30PM.

Respectfully Submitted,

Marianne Peabody  
Clerk 10/23/07

October 23, 2007 ZBA

Continuation of the recessed hearing of October 22, 2007.

At 10:30 AM, the Zoning Board of Adjustment held an onsite inspection at the Robert & Paulette Viet's property located at 2401 Route 175.

Board Members present: Jim Demeritt, Chairman, and David Gravel, Vice Chairman, Dennis Day, Giff Kriebel and Harry George.

Robert & Paulette Viet property owners present.

Abutters present: Maher Mahmoud and Robert Woodworth

A hand drawn survey map and picture of the house and garage was submitted for the record. This lot is considered irregular shaped and holds .758 ac. Board Members walked the lot and viewed the location of the proposed carport.

Abutter Maher Mahmoud submitted a letter opposing the location of the proposed carport dated October 23, 2007 stating that he has a concern with the structure obstructing the field of vision for driver(s) using the respective driveways and feels that it is an obvious safety hazard for driver(s). His concern is that if the location of this carport is approved it would than be considered Grandfathered and in the future someone could build further along the edge of the property and /or enclose the carport. Mr. Maher Mahmoud feels that the proposal is in close proximity to the edge of his property coupled with the fact that it does not adhere to the town's set back requirements of 15 ft. He also feels that the structure would de-value his property.

At 10:20 AM this site visit closed.

At 11:00 AM, Board Members and Abutter Maher Mahmoud returned to the Town Hall to continue hearing evidence from property owners and abutter.

Chairman Demeritt re- opened this hearing for comments from persons present.

Abutter Maher Mahmoud informed the Board that he is very much opposed to this proposal because it does not conform to the rules of the town regarding setback requirements, and he feels it will de-value his property. He hopes that the Board thinks hard before making a decision. He would like to see detailed plans for construction.

Chairman Demeritt closed this session to further public discussion, and opened this hearing to discussion among board members. Board Members Giff Kriebel turned to page 20 & 21 Case Law put together by Susan Slack, Esq. Attorney at Law entitled E. When is a Variance Not Required? 1. Preexisting Nonconforming Uses that he read aloud to the Board and public present. This article is on file and made a permanent part of this record.

Also read aloud was Article VII Miscellaneous Guidelines & Requirements of the Thornton Zoning Ordinance A. Nonconforming Uses.

The new carport would have a side set back of 2 ft from the property line instead of being on the propertyline and the front setback would be 54.6ft from the centerline of Route 175. Board members all agreed that with the old garage torn down this would make for a better situation. The use would be the same storage of one vehicle.

Chairman Demeritt proceeded to call out the required criteria for an “area variance”. When other Board Members asked if a variance was required. Again read aloud was that “If the nonconformity is of a dimensional requirement, the expansion or change does not render the property proportionally less adequate in relation to the dimensional requirement (setback, frontage, etc.) After discussion the board determined that no variance was required. A motion was made and seconded that the Board has know authority here, and that the applicant can build the carport without a variance. VOTED 5-0.

The Board has requested that Robert & Paulette Veit reapply for a building permit with the Board of Selectmen.

Respectfully Submitted,

Marianne Peabody

Clerk

Posting Date: 10/25/07