

**FRANKLIN ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING**

Wednesday, May 3, 2017 at 7:00 p.m.; City Council Chambers

Minutes

Call to Order

- ❑ **Salute to the Flag**
- ❑ **Roll Call** Present: Kathleen Fleckenstein, Dave Testerman, Jeffrey Dickinson, Debbie Davis, & Glen Feener Absent: Cecile Cormier
- ❑ **Approval of Minutes of the April 5, 2017 Public Meeting of the Board.** Motion to approve by Davis. Seconded by Feener. No corrections or additions. All in favor.

Old Business: None

New Business:

- ❑ **Z17-03:** Christopher Zosa, Owner and Michael Lombardo, Applicant request a Variance from section 305-29.8.6 of the Zoning Ordinance, Accessory Dwelling Units, to allow a detached ADU in the carriage house at 108 Pleasant Street, Map/Lot 135-008-00 [Map Sheet N9] in the R-3 [one-, two-, and three-family] residential zoning district. Additional variances from section 305-14, lot and yard requirements, in that the non-conforming carriage house is within the minimum 15-foot side setback, and section 305-29.8.7 to allow the ADU to be larger than allowed [767.5 sq. ft. versus 750 sq. ft.].

Michael Lombardo, applicant, addressed the board stating that he and his wife were purchasing the home at 108 Pleasant Street and hoping to move her mother into the carriage house, rent free. He stated that they would be bringing the building up to code and that there was plenty of parking for the three of them. His mother-in-law, an avid gardener, is excited about landscaping the yard. Restoring the house and the yard will only add to the property values in the neighborhood. He mentioned that the second story over the 3-bay garage is over the allowed size, but not significantly and it shouldn't have an affect to the spirit of the ordinance.

Chair Fleckenstein asked if the apartment had ever been rented out. Mr. Lombardo answered that it had but that the living space had been added without the proper permits and that they want to remedy that by bringing it up to code. Member Testerman asked if the applicant was living on the premises and Mr. Lombardo stated that Mr. Zosa is the current owner, but that they were under contract to purchase the property with a closing date of May 26th. After that they would be occupying the main house. Member Feener inquired into the utilities in the carriage house. Mr. Lombardo said

that both electric and water are fed from the main home. Although the Carriage house does have a gas connection they will not be utilizing that. He added that they would have Metro Cast installed. Member Feener asked about ingress and egress. Mr. Lombardo said that two windows in the unit will be replaced with code compliant windows. There are interior stairs to the upper floor and that staircase and doorway along with the ceiling of the garage will be fire insulated, and have fire, smoke and CO detectors. Regarding any exterior alterations, Mr. Lombardo answered that except for the replacement of the oil tank connection and chimney repairs they didn't plan on altering the building other than a new roof and general upkeep.

Annette Andreozzi addressed the board stating that the neighborhood was called Bible Hill since it is uphill from most of Franklin's churches. She said that given the new owners would be in residence, the granting of the ADU variance would be a good thing since the property wouldn't evolve like many others in the area with absentee landlords and 2-3 family dwellings actually containing 4 for 5 families. She suggested that a condition be added that the historic nature of the exterior would remain intact.

With no additional comments from the public, Chair Fleckenstein brought the discussion back to the board. Member Dickinson was curious about the applicant's response to Ms. Andreozzi's suggestion about the condition. Mr. Lombardo stated that he and his wife fell in love with the historic nature of the house and were looking forward to maintaining the house as it is. Both Mr. Testerman and Mr. Feener stated that the size of the unit didn't present an issue, nor did the 15 foot setback. Member Feener added that his only condition was receiving a letter that the owner would be occupying one of the units.

Planning Director Lewis stated that there is an application process for adding an ADU and that after they close on the house, one of the requirements for approval of the ADU would be a notarized statement that the owner would be in residence. Member Feener stated that there was no mention of the notarized letter in the variance application. Chair Fleckenstein reminded the board that they were just approving the issues regarding the size of the ADU, the setback and the fact that the carriage house is not attached to the house. The ADU approval application is a separate issue.

Director Lewis brought the board's attention to the second page of the decision which states that the age and character of the carriage house are significant supporting factors in this decision. Historically, carriage houses had rooms for staff or extended family. He added that the city doesn't want to open the door for an ADU in any garage and he thinks the draft line acknowledges that. Member Feener added that in this case there would be two residential structures on one property. Director Lewis maintained that unlike other properties in this area the lot is a good size. Chair Fleckenstein asked that if the variance was denied could the owners apply for a second unit on the property. Director Lewis stated that the ADU variance would be preferable since it would require the owner to occupy one of the units.

Member Testerman asked for a motion to approve the application and Member Feener read the draft decision for approval, which was seconded by Member Testerman, who in turn asked what would happen to the ADU application if the purchase fell through. Director Lewis stated that a letter or email

would be required from the applicant withdrawing the application. The motion passed with a vote of 5-0-0.

- ❑ **Planner's Update:** Director Lewis mentioned the proposed legislation HB86 addressing how ZBAs vote on the application criteria. He added that this may change how decisions are drafted in the future and how the board deals with these changes.
Member Testerman asked about the sober house appeal in February. Director Lewis stated that he sent out the decision to the property owner and followed that up with an offer that Mr. Joy meet with him to consider other options but as of this time he hasn't heard back from Mr. Joy.
- ❑ **Nominations for Zoning Board of Adjustments Chairperson:** Member Testerman nominated Glen Feener for Chairman. Chair Fleckenstein seconded the nomination and all were in favor. As new chairman, Mr. Feener asked for nominations for a Vice Chairman. Members Fleckenstein / Testerman nominated and seconded Debbie Davis for that position. All were in favor.
- ❑ **Other Business:** None
- ❑ **Public Comment:** None
- ❑ **Adjournment:** Member Dickinson / Member Davis motioned / seconded adjournment. All were in favor and the meeting closed at 7:35 p.m. The next scheduled meeting of the Zoning Board of Adjustments is Wednesday, June 7, 2017, at 7:00 p.m.; the Deadline date for submission of applications for this meeting is Wednesday, May 17, 2017.