

Leicester Zoning Board of Appeals
Meeting Minutes

Minutes of June 4, 2014

Hearing on the petition of Margaret Rondeau of 22 Pleasant Street, Leicester, Ma. for a Variance to add an ADA accessible bedroom and bathroom to existing structure.

Members present: David Orth; Chairman, Jim Buckley; Clerk, David Kirwan and Vaughn Hathaway

Alternate members present: Jim Reinke

Meeting called to order at 9:40PM

Instructions were given on hearing procedures

Voting at tonight's hearing: Vaughn Hathaway, Jim Buckley, David Orth, David Kirwan and Jim Reinke

Mr. Buckley read the Notice, Application and a letter from the Building Inspector into the record.

Submitted into evidence: Registered Plot Plan, the green and white return receipts from the Certified Mailing

Correspondence received: Mr. Orth read the Site Consideration from the Building Inspector and comments from the Board of Health into the record.

Mr. Orth opened the meeting to the applicant to present her petition.

Ms. Margaret Rondeau said her husband is 100% service related disabled. He just got out of the hospital and is currently bed bound, but hopefully, he will be able to get back into a wheelchair soon.

Their current bedroom does not have any closets, so it's very cramped and they need this addition in order for her husband to be able to stay in the house.

The grey area on the plan is the addition and then it shows the back deck with the ramp. On the larger version, it shows the master bedroom, the handicapped bathroom and the closets. It's nothing fancy, just a bedroom with a bath and there will be stairs coming up from the second floor going down.

Mr. Orth said when looking at the beginning of the house, it's much closer to the property line than the addition would be.

Mr. Hathaway said he noticed that the abutter seems to be right on the lot line.

Ms. Rondeau said there's about 15-feet. There's more land than what it actually looks like.

Mr. Orth said the house looks like it's inches from the property line at that point, therefore, it shows that the addition would not be more nonconforming in that area.

Mr. Kirwan noted the plan shows it being 8-feet off the property line.

Mr. Hathaway questioned why a variance was needed if this was for an ADA.

Mr. Orth said the variance was because the addition will be 8-feet and not 8-feet 9-inches.

Mr. Orth asked for any further comments or concerns; hearing none, asked for a motion.

MOTION: Mr. Hathaway moved to approve the petition of Margaret Rondeau of 22 Pleasant Street, Leicester, Ma. for a Variance to add an ADA accessible bedroom and bathroom onto existing structure 8-feet 9-inches to the side property line and the resultant of the addition to the exact rear will be 8-feet.

SECONDED: Mr. Reinke – Discussion: None

VOTE: All in Favor

Finding of Facts:

Vaughn Hathaway voted in favor of the motion because he felt the hardship was met. Clearly having a disability is a hardship. This does not derogate from the intent or purpose of the Bylaw. He felt this met the criteria under Section 10 of Chapter 40A. Also, it was noted that the addition will sit further away from the lot line than the existing house.

Jim Reinke voted in favor of the motion because he felt there was uniqueness to the property and how the house was situated on the lot. This will not derogate from the intent or purpose of the Bylaw.

David Orth voted in favor of the motion because he felt the hardship requirement was met in needing handicapped accessibility. He felt this met the criteria of Chapter 40A, Section 10.

David Kirwan voted in favor of the motion because he felt this can be granted without substantial detriment to the public good and does not derogate from the intent or purpose of the Bylaw.

Jim Buckley voted in favor of the motion because he felt it met the criteria of the Zoning Bylaws and Chapter 40A, Section 10.

Instructions were given on the appeal process and the filing of this decision with the Registry of Deeds.

MOTION: Mr Reinke moved to close the hearing.

SECONDED: Mr. Hathaway – Discussion: None

VOTE: All in Favor

Meeting adjourned at 9:53PM

Respectfully submitted:

Barbara Knox

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Approved at the July 9, 2014 ZBA Meeting