

Zoning Board of Appeals Meeting Minutes

Minutes of November 25, 2014

Finding of Facts on petition of Margaret Rondeau of 22 Pleasant Street, Leicester, Ma. for a Variance to extend the front porch 5-feet in depth, from 4 ½ feet to 9 ½ feet and will be 4.7 feet from the front yard setback.

Meeting called to order at 8:00PM

Mr. Orth said after the last meeting on November 19, 2014 with Margaret Rondeau, the Board did not do a Finding of Facts prior to closing the meeting; therefore, the Board will now complete that oversight.

Finding of Facts:

David Kirwan voted in favor because he felt the applicant presented a compelling reason for the extension to the deck, to wit: Her husband, a veteran, is suffering from significant disabilities and is unable to stand or walk and is confined to a wheelchair. Furthermore, the wheelchair provides for a prone or semi-prone position as her husband is unable to seat himself in a upright position. The applicant indicated that one of the few joys afforded, was to be wheeled out to the front porch to watch the traffic and people pass by. Because of his prone position in the chair, navigating the existing porch is near impossible and furthermore, the circumstances relating to the building structure made it impossible to position him in any other area of the land. He felt the hardship was adequately addressed in the requirements for granting a variance. Also that desirable relief can be granted without substantial detriment to the public good and would not have derogated the intent and purpose of the Bylaw.

David Orth voted in favor for the same reasons. He felt hardship was met because of the applicant's husband's disabilities and that the structure couldn't be located in any other area on the lot. A literal enforcement of the Bylaw would involve substantial hardship, financial or otherwise and he felt this fell under "otherwise" because of her husband's prone position and being unable to sit in an upright position. Also that desirable relief can be granted because all the houses in that area are very close to the road and he did not believe the granting of this variance would have been a detriment to the public good and did not derogate from the intent or purpose of the Bylaw.

Vaughn Hathaway voted in opposition of the motion although he felt it could have been granted without substantial detriment to the public good, he did not feel the project, under the definition specific to hardship, was demonstrated. Clearly it is a hardship to be in a wheelchair, but he was not convinced that hardship was demonstrated as to why another location was not possible.

Jim Buckley voted in opposition of the motion because he didn't feel that this was the only location for the porch and that the applicant did not demonstrate that there was a substantial hardship and that an alternate location was pointed out that would have accommodated the same need.

Jim Reinke voted in opposition of the motion although he does recognize the hardship of the applicant's husband being disabled, he didn't see a need for a variance when there were alternate

locations that would not need a variance and still perform the same therapeutic aspects for accessibility requirements.

MOTION: Jim Buckley moved to adjourn

SECONDED: Jim Reinke – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:15PM

Respectfully submitted:

Barbara Knox

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