

**ZBA Meeting
March 26th, 2020
Staff Comments**

156 Jail Hill Road

The parcel is 5.28 acres and has approximately 372 feet of frontage on Jail Hill Road. The property was two (2) parcels until they were merged into one parcel in 2016. The parcel is located in the R-2A Residential zone and is in compliance with lot area and frontage requirements. The R-2A zone allows by right single and two family dwellings, accessory buildings and detached accessory apartments by special permit.

There are currently two (2) single family homes on the property which are pre-zoning dating back to the early 1900's. There is also a large barn on the property which has been converted to a dwelling unit. There is also a pool and a number of accessory structures.

The accessory structures are associated with a contracting business which has operated from the property for many years. Upon information and belief this business existed prior to the enactment of zoning in 1958. Nevertheless, the Town asked the owner to apply for a variance and special permit in 1993 to authorize the use. The owner complied and both requests were granted.

Based on my research I can conclude the following:

- The two (2) single family homes on the one property pre-date zoning and are therefore legal without any further action.
- The contractors business received a variance and special permit in 1993 and is therefore legal.
- There does not appear to be any permits authorizing the conversion of the large barn on the property to a residential dwelling unit.
- The barn conversion would not qualify as a detached accessory unit due to its size, the existence of the home business on the property and the other two (2) dwelling units.
- With the goal of bringing this long existing situation into full zoning compliance I am supportive of the issuance of a zoning variance to allow a third dwelling unit on the subject property.
- **The variance, if granted, does not authorize any new or expanded uses of the property.**

Recommendation

This situation has existed for many years with no enforcement activity. As you know, a hardship must be unique to the land. This is certainly a unique arrangement that does not exist anywhere else in town. It has existed, as such, for many years.

In the absence of the variance, the only way to bring the property into full compliance is to eliminate one of the dwelling units, which can certainly be considered a hardship. I recommend approval.

156 Jail Hill Road Parcel



Cedar Lake Road Map 52/Lot 16 (directly across street from 24 Cedar Lake Road)

This is a 5.8 acre parcel of land in the R-2A Residential zone. The zone requirement for new lots is 2 acres and 200 feet of frontage on a town road.

The parcel has 393.54 feet of frontage.

The owner would like to divide the property into two (2) building lots. That would require 400 feet of frontage. One of the parcels will be 6.46 feet short of the 200 foot requirement.

In the field a building lot with 6.46 less than the required frontage will not be noticeable or impactful on the development of the area. However, the surrounding property owners are subject to the 200 foot requirement and I will be interested in their comments.

The abutting property owners will be notified via certified mail.

Cedar Lake Road parcel

