

TOWN OF CHARLEMONT
ZONING BOARD OF APPEALS

Public Meeting and Hearing - January 25, 2022

Present: Charlotte Dewey, Frank Carcio and Ron Smith; Petitioners – Barbara and Chad McKenna

1. The meeting was called to order at 6:00 p.m. by the Chair, Charlotte Dewey.
2. The petitioners – Barbara and Chad McKenna presented their appeal to the Committee by telephone. They want to construct a lean-to on the side of their garage to protect a condenser unit for their HVAC system. They stated that their neighbors are “okay with it”, and we do have an email from Carlene Hayden noting neighbors having no problems. A permit was previously issued to them for the barn and lean-to. No variance was applied for or sought at that time. Charlotte read the standard Appeal questions to the applicants, and recorded the Committees comments to the same, which are attached to these minutes.
3. 3. Frank Carcio moved to approve the variance request. The motion was seconded by Ron Smith. It was approved unanimously.
4. The Appeals Form was completed and submitted.
5. The meeting adjourned at 6:25 p.m.

Respectfully submitted,

Ronald Smith

Attach: ZBA “Conditions To Be Met For Granting Of a Variance” form.

Email from Carlene Hayden noting approval from neighbors.

CONDITIONS TO BE MET FOR GRANTING OF A VARIANCE

The Board finds that:

1. Owing to circumstances relating to soil conditions, shape or topography of the land or structure and especially affecting such land or structure but not generally affecting the zoning district in which it is located:
2. A literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise:
3. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance or bylaw:

1) The Board finds that the proposed construction is in keeping with the surrounding properties and will not be detrimental to neighboring properties,

2) The applicant would have to tear down and remove the construction that they began in good faith on the lean-to which they had a Building Permit. The applicants were unaware that the permit had expired. The original permit was issued with no indication that a variance was required. When the applicants returned to the FRCOG, they were told to re-apply. During the process, they were told to re-apply. During the process they were told that a variance was needed.

3) The Board finds that the following overriding circumstances allow the approval of this variance:

A - Continued Good Faith on the part of the applicant and

B – Unintentional failure on the part of the County Inspection Program to enforce and thereafter notify the applicants of the town's side lot requirements.