

Town of Milford
ZONING BOARD OF ADJUSTMENT-APPROVED
MARCH 21, 2024
Public Hearings

Case #2023-22 Thomas & Xhevit Bifsha 210 Elm Street, VARIANCE

Present: Joan Dargie, Vice Chair
Michael Thornton, Member
Dan Sadkowski, Member
Tracy Steel, Member
Rich Elliott, Member
Terrey Dolan, Director of Community Development

Not Present: Andrea Kokko, Chair

Recording Clerk: Jane Hesketh, Community Development

MEETING AGENDA

1. Call to Order
2. Mtg. Minutes Approval: February 15, 2024 Training Session
3. Public Meeting:
 - a. Case #2023-22 The applicants, Thomas & Xhevit Bifsha, are seeking a Variance from the Milford Zoning Ordinance, Article V, Sections 5.03.4.A & 5.05.1.P, for property located 210 Elm Street, Milford Tax Map 18, Lot 6. The Variance request is to allow for six (6) total multi-family residential units, consisting of five proposed (5) multi-family units, and the retention of the one (existing) single-family residential unit (to be converted into a multi-family dwelling unit) to be permitted on the referenced .998-acre lot. The existing lot size is 43,027 s.f. in size, whereas 52,272 s.f. would be required for the requested six multi-family residential units. The lot is zoned Commercial ("C"), pursuant to Section 5.05.0 (General Requirements). Any multi-family residential units proposed within the Commercial Zoning District must follow the residential density requirements, as set forth within the Residence "B" Zoning District (Section 5.03), which only allows a maximum of five (5) multi-family dwellings/acre.
4. Other Business: TBD
5. Next Meeting(s): April 4, 2024 April 18, 2024

MINUTES OF THE ZBA MEETING MARCH 21, 2024

1. CALL TO ORDER

Vice Chair Joan Dargie, stepping in as Chair for Andrea Kokko opened the meeting by welcoming everyone and introducing herself as well as the board members present: D. Sadkowski; R. Elliott; M. Thornton; T. Steel. The Chair welcomed those attending in person and electronically.

The Chair stated you may also attend this meeting in person at the Milford Town Hall, Board of Selectmen's Meeting Room.

If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the Meeting ID: 851 6407 7601 and Password: 269952 or log in via www.zoom.com using the Meeting ID and Password previously stated.

A digital copy of the meeting materials can be found on the Town website at: <https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda>. We will not be live streaming this meeting on Granite Town Media, Government Channel 21, but will be on Zoom. <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>.

Chair explained the process for the case hearings. The Chair said a full agenda may not allow all cases to be heard and that at 10:00 p.m. the meeting will end. The Chair explained how the meeting would proceed for the cases that may not be heard in that they would be continued or tabled to another agreed upon meeting; also explained was the process for public notification.

J. Dargie first moved to the approval of meeting minutes.

2. MEETING MINUTES

11/2/2023

In Attendance: J. Dargie, M. Thornton, D. Sadkowski, R. Elliott, T. Steel, A. Kokko Chappell

Chair asked if all the requested changes were completed.

T. Dolan noted the following changes:

Pg.4 Line 20 change "treat" to "street" and Line 21 add the word "street" to T. Steel's response

Chair asked for a motion to approve minutes from November 2, 2023 as amended.

T. Steel made a motion to approve minutes from November 2, 2023 as amended and M. Thornton seconded.

All were in favor.

11/16/2023

In Attendance: J. Dargie, M. Thornton, D. Sadkowski, R. Elliott, T. Steel, A. Kokko Chappell

Chair asked for any changes; Rich Elliott felt it had not been noted he recused himself from the meeting.

T. Dolan stated he will take care of that.

Chair asked for a motion to approve minutes from November 16, 2023 as amended.

R. Elliott made a motion to approve minutes from November 16, 2023 and T. Steel seconded.

All were in favor.

MINUTES OF THE ZBA MEETING MARCH 21, 2024

2. MEETING MINUTES

12/7/2023

In Attendance: J. Dargie, M. Thornton, D. Sadkowski, R. Elliott, T. Steel, A. Kokko Chappell

Chair asked for any changes; no changes were noted.

Chair asked for a motion to approve minutes from December 7, 2023.

M. Thornton made a motion to approve minutes from December 7, 2023 and R. Elliott seconded.

All were in favor.

02/15/2024 Training Session

In Attendance:

A. Kokko Chappell, M. Thornton, D. Sadkowski, R. Elliott, T. Steel, T. Dolan, S. Smith, J. Ratigan

Chair asked for any changes; no changes were noted.

Chair asked for a motion to approve these minutes.

T. Steel made a motion to approve the minutes and it was seconded by R. Elliott.

All were in favor.

Chair Dargie then moved to the next order of business.

3. PUBLIC MEETING

a. Case #2023-22 The applicants, **Thomas & Xhevit Bifsha**, are seeking a Variance from the Milford Zoning Ordinance, Article V, Sections 5.03.4.A & 5.05.1.P, for property located **210 Elm Street, Milford Tax Map 18, Lot 6**. The Variance request is to allow for six (6) total multi-family residential units, consisting of five proposed (5) multi-family units, and the retention of the one (existing) single-family residential unit (to be converted into a multi-family dwelling unit) to be permitted on the referenced .998-acre lot. The existing lot size is 43,027 s.f. in size, whereas 52,272 s.f. would be required for the requested six multi-family residential units. The lot is zoned Commercial ("C"), pursuant to Section 5.05.0 (General Requirements). Any multi-family residential units proposed within the Commercial Zoning District must follow the residential density requirements, as set forth within the Residence "B" Zoning District (Section 5.03), which only allows a maximum of five (5) multi-family dwellings/acre.

Chair then invited the applicant to come forward.

Attorney Thomas Quinn came forward to the meeting table as the representative for Thomas and Xhevit Bifsha. T. Quinn noted the applicants were not in attendance but their son, Nick Bifsha was in attendance.

Attorney Quinn began his presentation by summarizing the request to be a variance that would allow for the development of 6 units on 43,027 s.f. of land at 210 Elm Street Tax Map 18 Lot 6. He continued by saying the property is approximately 1 acre with 163 ft. of frontage. Attorney noted the property will meet all setbacks, height and open space requirements, and will be serviced by Town Water and Sewer.

Attorney Quinn then referred to the packet provided to the board. In the packet there are pictures of the property as it is currently along with the plan for the development. T. Quinn directed the board to the Site Plan in the packet and pointed out the proposed units will be setback from the street, with parking in the front and a significant amount of open space in the rear. Attorney Quinn explained there was another possibility of making the units perpendicular to the road and putting all 6 units there.

1 **MINUTES OF THE ZBA MEETING MARCH 21, 2024**

2
3 **3. PUBLIC MEETING**

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5
6 **a. Case #2023-22**

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9 This plan had drawbacks such as: placing the units like this would mean the backyards would abut the Elm St. Plaza and Fieldstone Property (not considered desirable); the open space would be reduced for the backyards. Given this, Attorney Quinn stated the plan for making the units parallel to the street was the best option. The option for 5 units is the best since 6 units would require a second variance due to encroachment. T. Quinn stated the applicant's inspiration for these units was the Crosby Condominiums and that is why a picture of that complex is in the packet; it does not mean this is exactly what the new units will look like but the applicant would like to do something similar in terms of appearance. He continued by saying the issue is the need for 6 units (the new 5 units plus the existing one) in a district that allows for only 5 units.

18
19 T. Quinn referred to the site plan saying the existing garage will be eliminated. However, once the details are worked out the existing home may need to be moved or rehabilitated which may not be the best alternative. The applicant, he stated, would prefer to keep the remaining structure. Those decisions have not been finalized which are pending the results of the ZBA's vote on this case.

23
24 Attorney Quinn moved onto the Variance Criteria.

25
26 **Variance Criteria per New Hampshire RSA 674:33.I:**

- 27
28 1. **This will not be contrary to the public interest.**
29 2. **The spirit of the Ordinance is observed.**

30
31 Attorney Quinn addressed these criteria as one since they have been addressed this way for years by the State Supreme Court.

32
33
34 Mr. Quinn: It is largely a commercial area with a large mix of multi-family dwellings as well. Going west it is largely commercial with few residential properties that are either single family or multi-family; it is a mix. Going east of the property it's different; largely multi-family residential dwellings and most of those properties do not meet the zoning requirements (he can provide a list of those homes if needed). The applicant's property is in a commercial zone surrounded by commercial properties and residential homes. The traffic count on Elm Street is approximately 9800 cars a day with about 12,000 near the oval and other areas being high as well. A standard calculation for single family homes is 10 car trips a day. He continued to present statistics on the traffic count to show this change would be reasonable. It should not have a change or substantial effect on the neighborhood. It will not affect the public health, welfare or safety of the community. It will be served by Town water and sewer. The open space requirements will be met as well as setback requirements. It will not significantly increase traffic. All the other requirements are being met except for density.

46
47 **3. Substantial Justice is done.**

48
49 Mr. Quinn: Citing *Malachy Glen Asssoc.*; "Perhaps the only guiding rule in this factor is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." He feels this to be a very reasonable use for the property given its surroundings. He does not see a significant public benefit that would outweigh the benefit to the applicant.

1 **MINUTES OF THE ZBA MEETING MARCH 21, 2024**

2
3 **3. PUBLIC MEETING**

4
5
6 **a. Case #2023-22**

7 **Variance Criteria per New Hampshire RSA 674:33.I:**

8
9 **4. The Values of Surrounding Properties will not be diminished.**

10
11 Mr. Quinn: He referenced a letter from local Real Estate Agent William Goddard familiar with the area. He
12 is the agent that marketed the Crosby House Condominiums and has been an agent in the area for 23 years.
13 Attorney Quinn distributed a copy of the letter to the board members and then read it into the record.
14 Fieldstone, abutters on the east, sent an email to Attorney Quinn which he read into the record stating they
15 have no objection to the proposal and will not be attending the meeting. In addition, Erin Kaplan the abutter
16 with a residential house across the street was spoken to. Mr. Kaplan spoke with Attorney Quinn and stated
17 his only concern is about the cars exiting at night with their headlights shining into his property. Mr. Quinn
18 stated once this case goes to the Planning Board, this concern can be addressed in the final design. Other
19 than that concern, Mr. Kaplan is in favor of the project. Based on the information presented thus far, Mr.
20 Quinn stated this project will not diminish the values of surrounding properties.

21
22 **5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**

23
24 **A. Owing to special conditions of the property that distinguish it from other properties in the area;
25 denial of the Variance would result in unnecessary hardship because:**

26
27 **i. No fair and substantial relationship exists between the general public purposes of the ordinance
28 provision and the specific application of that provision to the property because:**

29
30 It is a different property because it is the last in the area that is being used residentially. Being commercially
31 zoned, the applicants have the ability to develop it commercially, but they have decided to use it as a
32 residence and will be living there. Given the fact that it is surrounded by commercial properties, creating a
33 larger density appears to be reasonable. The property consists of 0.9 acres and the lot is 2/10th of an acre
34 short of qualifying for six units. The lot is on a busy road surrounded by commercial properties and
35 residential properties that have more than 5 units (increasing density). Therefore, it only seems to make this
36 request fair and reasonable. It is compliance with all other aspects of the ordinance.

37
38 Attorney Quinn ended his presentation.

39
40 J. Dargie: in regards to the existing building she pointed out in one place it was indicated it will be raised, in
41 another it stated it will be renovated then in another it said it will be a multi-family unit; what are the plans for
42 the house?

43 T. Quinn: the original plan was to build 6 units across but this was a problem due to encroachment into the
44 setbacks. The request is for 6 units with 5 units across and then renovating the existing family residence. The
45 decision for this has not been made at this time, but it will be a single family home.

46 J. Dargie: when the ZBA gets these applications, there is a definitive plan for the development of the property
47 and it seems this application may be premature. Also, will these units be condominiums or rental units?

48 T. Quinn: again, the client has not made that determination, but under NH law a proposal that works for a
49 traditional form of ownership for example not a condominium just land and buildings; if the proposal works that
50 way then it is irrelevant if it is a condominium. This project could work either way; it might be a condominium
51 it might be apartments.

52 J. Dargie: this then discounts the letter to Caldwell Bank that appears to state there will be 5 condominium
53 buildings to supplement the single family home.

1 **MINUTES OF THE ZBA MEETING MARCH 21, 2024**

2
3 **3. PUBLIC MEETING**

4
5
6 **a. Case #2023-22**

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8 T. Quinn: he again pointed out the rendering which is similar the Cosby Condominiums that the applicant has
9 used as inspiration in the design, however, it does not mean the units proposed will be condominiums. He stated
10 this does not change the density or the physical development of the property. For this meeting, the applicant
11 could state the units will be apartments but in the future the applicant could change the units to condominiums
12 by going to the Planning Board to get subdivision and site plan approval. He emphasized he is using a
13 condominium as an example as to what the project will look like. He continued by saying the real estate market
14 will dictate what the applicant intends for the use of the 5 units. Even so, the application does not pertain to this
15 use but addresses the question of density; the applicant needs to determine how the project can be developed
16 given the density requirement.

17
18 D. Sadkowski: will the units be separate or just one building?

19 T. Quinn: one building with all the units attached.

20
21 R. Elliott: why 5 additional units with a house instead of 4 units and the house?

22 T. Quinn: it is felt 5 additional units instead of 4 is the best given the high density uses surrounding the property.
23 He pointed out that even with the 5 additional units it will cause less impact than a truly commercial use would.
24 Basically the applicant feels 5 additional units would be the best for them especially given the location.

25
26 D. Sadkowski: will the driveway shown on the rendering be the only driveway?

27 T. Quinn: the driveway will be widened, but there will be only one driveway and not an additional driveway for
28 the residence. The driveway may not be in same location but only one driveway will serve the complex.

29
30 D. Sadkowski: is the Fire Department in agreement with the project?

31 J. Dargie: the Fire Department cannot be involved with this yet.

32 T. Dolan: interjected by saying he did conduct an inter-departmental review. Usually the Office of Community
33 Development does not do this for a Variance or Special Exception request, however, this time he opted to
34 involve the Fire Department. The FD has no problem with the current design; however, it does have to go to the
35 Planning Board. As of now, if it is a rental apartment complex it will be a major site plan. If it is a condominium
36 complex, it will be a major subdivision plus a major site plan.

37 T. Dolan: The driveway location is a concern for Mr. Kaplan at 257 Elm St. Mr. Kaplan spoke directly to Terrey
38 Dolan and asked to please move the driveway to the east away from his home due to the headlights. Mr. Kaplan
39 stated he would rather see this development rather than a commercial building.

40 T. Dolan: all of this is covered in the Planning Board Meeting. At that time there should be a decision about the
41 residential home on the property which dates back to 1920.

42
43 J. Dargie: the driveway location will be a condition for approval. T. Dolan: yes as I promised Mr. Kaplan the
44 driveway access will be placed as far east as possible away from his property across the street.

45 M. Thornton: the only specification the ZBA can have is that this will be worked out by the Office of
46 Community Development and the 2 property owners to confirm this will not be an issue.

47
48 J. Dargie: can the ZBA approve the 5 units instead of the 6 units or would another application need to be
49 submitted?

50 T. Dolan: another application would need to be submitted for the 6th unit due to the acreage; the property will be
51 reassessed as a multi-family property.

52 M. Thornton: given the need for housing in the area and the percentage under what would be required, as a
53 balance, he feels it would be a community benefit to issue the one additional unit.

1 **MINUTES OF THE ZBA MEETING MARCH 21, 2024**

2
3 **3. PUBLIC MEETING**

4
5 **a. Case #2023-22**

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7 J. Dargie: referring to what M. Thornton just said if that is the thinking, then she feels the zoning should be
8 changed for that area.

9 R. Elliott: asked for clarification on the multi-family assessment which T. Dolan stated.

10 T. Dolan: for assessment purposes, the property is looked at in terms of being more than one unit; the single
11 family residence along with the additional units that the variance request will allow for on that particular
12 acreage.

13 M. Thornton: meaning the 4 units with the existing home being expanded to include more than one residence.

14 T. Dolan: it will be a single family unit but it could be raised and added elsewhere but the maximum number of
15 units on the property will be 6.

16 The debate continued about approving 6 units.

17
18 R. Elliott: is there any historical significance to the house?

19 T. Dolan: the Heritage Commission did not provide an opinion; those recommendations are given at the time of
20 the development of the major site plan during the Planning Board process.

21 This point was discussed further.

22
23 Attorney Quinn asked the committee to please let him have input into the conditions that may be applied before
24 the case goes to deliberations and voting; especially due to Mr. Kaplan's request about the driveway. He stated
25 this will be considered during the planning phase.

26
27 D. Sadkowski: will the chain link fence be changed to a privacy fence in view of the land it abuts?

28 T. Dolan: this will be for the Planning Board.

29
30 J. Dargie asked if there were any more questions from the board. Hearing none she moved to the public portion
31 of the meeting. There was no one present, calling in or on Zoom, therefore, the public portion of the meeting
32 was closed.

33
34 **Deliberations:**

35
36 **Variance Criteria per New Hampshire RSA 674:33.I:**

37
38 **1. This will not be contrary to the public interest.**

39 T. Steel: it is permitted with a variance; the area while it is commercial it is reasonable to have this type of
40 complex; there is a mix; the driveway will be addressed through the Planning Board.

41 M. Thornton: 16 car trips a day is reasonable and does not add appreciably to the traffic on the road; density
42 is a concern for him in that there is a need to hold down density vs the need for housing which will increase
43 density; it will take only 2/10 of an acre for the 6 units which could justify this number. The total of 6 units
44 vs a total 5 units was debated.

45 D. Sadkowski: he sees no issue; it does not affect the public's health, safety or welfare of the neighborhood.

46 R. Elliott: feels it is not contrary to the public interest in fact it will be a benefit to Milford in terms of
47 adding more housing whether it is rented or owned; either way it is a benefit especially in view of the small
48 amount of extra space that is needed. The traffic will be miniscule.

49 J. Dargie: feels the zoning should be changed; there is a reason for controlling density; with this plan there is
50 an open issue of whether the units will be rentals or condominiums and she feels they are totally separate
51 types of buildings (condominiums are usually kept up nicely while apartments may not be); given the
52 disparity she feels it will be contrary to the public interest. She emphasized this is her personal opinion and
53 the reason for controlling density.

1 MINUTES OF THE ZBA MEETING MARCH 21, 2024

2
3 **3. PUBLIC MEETING**

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5
6 **a. Case #2023-22**

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9 **Deliberations:**

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11 **Variance Criteria per New Hampshire RSA 674:33.I:**

12
13 **1. This will not be contrary to the public interest.**

14 The topic of condominium appearances vs apartment appearances was discussed in terms of density.

15
16 **2. The spirit of the Ordinance is observed.**

17 J. Dargie: she feels with a total of 5 units the spirit of the ordinance will be observed 100% since they are so close but, again, she stated this is her personal opinion.

18 R. Elliott: he disagrees because they are only asking for 6 and it is not like the request is for more than that. While the request goes over the zoning requirement, it is by a small amount and he feels the spirit of the ordinance is fine.

19 M. Thornton: leaning towards R. Elliot's view, it will only take 2/10th of an acre to make the same density for 6 units vs. 5 units; which is why I advocate for 6 units and deflecting the headlight issue. He sees that 5 is easier and fits but 6 units also fits.

20 T. Steel: she doesn't think 6 is out of the question especially in that area; understands the fact that rental properties can go downhill but the applicants will be living on the property.

21 D. Sadkowski: is in favor of the 6 units and feels it is in the spirit of the ordinance.

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29 **3. Substantial Justice is done.**

30 R. Elliott: this is similar to #2 in that the request is only for 6 and not more than that and doing anything else does not make sense to him.

31 T. Steel: it is such a small difference in the acreage for 6 units

32 M. Thornton: feels there is a difference between #2 and #3; #2 is being looked at from the community side and #3, from his point of view, is how it is from the owner's side; from the owner's side he believes they are being restrained and justice is being done by holding them to 6 units and no more;

33 D. Sadkowski: agrees with all statements

34 J. Dargie: but justice could be done with 5 units

35
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38
39 **4. The Values of Surrounding Properties will not be diminished.**

40 M. Thornton: with the commercial nature of the surrounding area and the fact there is a letter stating the surrounding area will not be harmed; if the 1920 home is rehabilitated it will improve the area.

41 T. Steel: it is an improvement to the property and everything else is mostly commercial this will be residential and not add substantially to pedestrian and vehicular traffic; improves the land and does not over burden the area.

42 R. Elliott: he agrees it will not increase traffic and will be a general improvement to the entire area.

43 D. Sadkowski: agrees; it may be noisy for the new residents there and that is why he suggested the privacy fence.

44 J. Dargie: agrees that it will not diminish values in the surrounding area.

1 MINUTES OF THE ZBA MEETING MARCH 21, 2024

2
3 **3. PUBLIC MEETING**

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6 **a. Case #2023-22**

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9 **Deliberations:**

10
11 **Variance Criteria per New Hampshire RSA 674:33.I:**

12
13 **5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary**
14 **hardship.**

15
16 **A. Owing to special conditions of the property that distinguish it from other properties in the**
17 **area; denial of the Variance would result in unnecessary hardship because:**

18
19 **i. No fair and substantial relationship exists between the general public purposes of the ordinance**
20 **provision and the specific application of that provision to the property because:**

21
22 J. Dargie: feels there are no special conditions to the property for 6 vs 5; feels not allowing 5 units
23 would present a hardship but to not allow 6 does not. The fair and substantial relationship to the general
24 public is that density requirements were established for a reason and being just a ¼ acre off is not a
25 special condition.

26 M. Thornton: agrees with J. Dargie's response; he does not see an inherent condition of the property that
27 pushes in either direction

28 T. Steel: agrees 5 units is a hardship

29 R. Elliott: that is why he asked the question about 5 vs 6 which comes down to economics and that
30 cannot be a consideration.

31 D. Sadkowski: it does appear 5 would be the hardship but then the applicant would have to come back
32 and reapply

33 J. Dargie: not if the committee makes it a condition to make it no more than 5 units.

34
35 M. Thornton noted there is another test for hardship.

36 J. Dargie it has been established there are no special conditions.

37
38 **B. If the criteria in paragraph A are not established, an unnecessary hardship will be deemed to**
39 **exist if, and only if, owing to special conditions of the property that distinguish it from other**
40 **properties in the area, the property cannot be reasonable used in strict conformance with the**
41 **Ordinance, and a Variance is therefore necessary to enable a reasonable use of it:**

42 M. Thornton: in his mind he feels the justification is weak in that there is no statement saying holding to
43 5 is a hardship based on something unique about the property itself; it can be used in strict compliance
44 with the ordinance as written.

45 J. Dargie: the hardship is just shy of allowing for 5 and not the 6

46 M. Thornton: it would be unreasonable in the fact that it would be restraining in an overly restrictive
47 reinforcement to go below 5 units; going to 6 units would be very generous.

48
49 J. Dargie to T. Dolan: what is the procedure for voting on this if the committee wants 5 units and not 6
50 units?

51 T. Dolan: you could have 2 separate votes; one for 6 units and one for 5 units

52 R. Elliott: can the decision be delayed pending legal consult?

1 **MINUTES OF THE ZBA MEETING MARCH 21, 2024**

2
3 **3. PUBLIC MEETING**

4
5
6 **a. Case #2023-22**

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9 **Deliberations:**

10
11 M. Thornton: he feels the zoning ordinance is not fractured in some unrecoverable way because he
12 looks at a pattern of what has been done to balance what the goal is in the zoning ordinance to restrain
13 and not have run away development, but to use facilities available in the town to develop a rational
14 control and not in a high bound manor.

15 J. Dargie: since it appears the hardship has not been met, she wants to ensure the proper course of action
16 is followed in order to alleviate difficulties for the applicant in the way of having to reapply.

17 T. Dolan: the meeting can be continued pending legal counsel; he sensed there are mixed feelings on the
18 request and he feels that asking for 6 units was not a huge request and it meets all the other
19 requirements. Otherwise a special exception would be needed.

20 J. Dargie noted there have been cases in the past where the applicant changed the actual request and the
21 committee then approved based on the change made by the applicant.

22
23 J. Dargie gave Attorney Quinn permission to add to the discussion.

24 Attorney Quinn: if the committee decides to have 2 separate votes that would be acceptable to him. If the vote
25 for 6 units does not pass and the vote for 5 units passes he stated this will not be contested; he will be in
26 agreement with the final vote.

27
28 J. Dargie asked for a vote from the committee on how to proceed with the voting; first vote on the 5 units and
29 then vote on the 6 units.

30 M. Thornton yes; T. Steel yes; R. Elliott yes; D. Sadkowski yes; J. Dargie yes.

31
32 **Voting—5 Units:**

33
34 **1. This will not be contrary to the public interest.**

35 R. Elliott yes; T. Steel yes; M. Thornton yes; D. Sadkowski yes; Chair votes yes.

36
37 **2. The spirit of the Ordinance is observed.**

38 T. Steel yes; M. Thornton yes; D. Sadkowski yes; R. Elliott yes; Chair votes yes.

39
40 **3. Substantial Justice is done.**

41 M. Thornton yes; T. Steel yes; R. Elliott yes; D. Sadkowski yes; Chair votes yes.

42
43 **4. The Values of Surrounding Properties will not be diminished.**

44 R. Elliott yes; T. Steel yes; M. Thornton yes; D. Sadkowski yes; Chair votes yes.

45
46 **5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**

47 D. Sadkowski yes; T. Steel yes; M. Thornton yes; R. Elliott yes; Chair votes yes.

48
49
50 Chair stated the application has been approved for 5 Units. There is a 30 day appeal period that can be filed with
51 the Zoning Board.

1 **MINUTES OF THE ZBA MEETING MARCH 21, 2024**

2
3 **a. Case #2023-22**
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6 **Voting–6 Units:**
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8 **1. This will not be contrary to the public interest.**

9 R. Elliott no; T. Steel yes; M. Thornton yes; D. Sadkowski yes; Chair votes no.
10

11 **2. The spirit of the Ordinance is observed.**

12 T. Steel no; M. Thornton yes; D. Sadkowski yes; R. Elliott no; Chair votes no.
13

14 **3. Substantial Justice is done.**

15 M. Thornton yes; T. Steel yes; R. Elliott no; D. Sadkowski yes; Chair votes no.
16

17 **4. The Values of Surrounding Properties will not be diminished.**

18 R. Elliott yes; T. Steel yes; M. Thornton yes; D. Sadkowski yes; Chair votes yes.
19

20 **5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**

21 D. Sadkowski yes; T. Steel no; M. Thornton no; R. Elliott no; Chair votes no.
22

23 Chair stated the application has not been approved for 6 Units. There is a 30 day appeal period that can be filed
24 with the Zoning Board.
25

26
27 **4. OTHER BUSINESS**
28

29 T. Dolan reviewed cases for the next meeting.
30
31

32 **Motion to Adjourn**
33

34 Chair asked for a motion to adjourn. R. Elliott made a motion to adjourn and it was seconded by T. Steel. All
35 Board Members were in favor. Meeting adjourned.
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42 **Motion to Approve:**
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45 **Seconded:**
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48 **Signed**
49 _____
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51 **Date:**
52 _____
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