

**MANHATTAN BOARD OF ADJUSTMENT
207 S. 6th St.
September 11, 2023
7:00 PM
MINUTES**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Board members present were Diane Letendre, Jennifer Love, Ashley Flammond, Warren Wright and Craig Bergstedt. Five members of the public were present. Also present were Town Planner Scott Hazelton and Deputy Clerk/Treasurer Tonya Owens.

PUBLIC COMMENT

None

PRESIDENT AND VICE PRESIDENT CHAIR APPOINTMENTS

Motion-Love; Second-Wright; Vote-Unanimous: Motion passed to nominate Flammond as Chair.

Motion-Love; Second-Bergstedt; Vote-Unanimous: Motion passed to nominate Wright as Vice Chair.

The Board discussed Chair and Vice Chair nominations and term expirations.

110 S 3RD ST, VARIANCE FOR R-1 (LOW DENSITY RESIDENTIAL) SIDE AND REAR YARD SETBACKS FOR ACCESSORY DWELLING UNIT ABOVE GARAGE

Motion-Love; Second-Wright; Vote-1 in favor (Wright), 4 opposed (Bergstedt, Love, Flammond, Letendre): Motion failed to approve the variance request for side and rear yard setbacks for the ADU above the garage located at 110 S 3rd St. with the recommended staff conditions.

Public Hearing

The public hearing was opened.

The Clerk read the public hearing notice.

Flammond asked for applicant and professional comments.

James Fox, Applicant: Fox stated that he was happy to answer any questions and stated that he is in support of the variance.

Hazelton summarized the staff report. He commented that the garage was approved by the Town Council for water and sewer connections when capacity is available. He stated that the variance is for the side and rear yard setbacks of the Accessory Dwelling Unit (ADU) above the garage. The Board asked the applicant and the planner questions concerning the ADU, including the building process, construction timeline and the permitting process. Fox explained that the building is still in the rough-in stage and that moving the garage in any direction would impose on other setbacks.

The Board discussed the possibility of the structure meeting the rear and side year setbacks as well as having a proper emergency access. Hazelton stated that he was

not concerned about emergency access because there are alleys on either side of the property.

Public Comment

Greg VanAntwerp, 112 S 3rd: He stated that he does not believe the emergency access should be a concern. He said that his neighbors think the ADU is a fine addition to the neighborhood. He asked about how setbacks are determined.

Derrick Kingsman, 318 E Main: He asked questions about the approval process. He stated that the ADU is a nice looking structure.

Written Comment

Tony Drypolcher, 208 S 3rd: In favor
Public comment was closed.

Discussion

The Board determined if the variance request is indeed a hardship by answering the Board of Adjustment guideline questions.

The Board discussed the public benefits of the ADU.

Fox explained that the structure and footprint of the garage was approved by the previous building official.

MANHATTAN ZONING CODE AND SUBDIVISION REGULATIONS UPDATE

Hazelton explained that he will be working with the Planning Board, Town Council and Board of Adjustment to modify the zoning code and zoning regulations. He asked for any suggestions. He stated that he will be applying for a grant for the update.

APPROVAL OF MINUTES- JUNE 14, 2022

Motion-Letendre; Second-Love; Vote-Unanimous: Motion passed to approve the minutes from June 14, 2022.

ADJOURN

Motion-Love; Second-Flammond; Vote-Unanimous: Motion passed to adjourn the meeting.

President

Secretary