

**VILLAGE OF HAMPSHIRE  
ZONING BOARD OF APPEALS**

**MINUTES**

**June 12, 2018**

A meeting of the Hampshire Zoning Board of Appeals was called to order at 7:03 p.m. Members present: W. Albert, N. Collins, H. Hoffman, Richard Frillman, and J. Schaul. Members absent: Chair C. Christensen. Village Trustee E. Robinson and Village Attorney Mark Schuster were also present.

Pledge of Allegiance was said by all.

On motion made by W. Albert, seconded by H. Hoffman, to appoint Hank Hoffman as temporary chair, the vote was 5 aye – 0 nay. Motion passed.

There were no minutes presented for approval.

The Village Attorney recited that the purpose of the meeting was to re-convene a public hearing regarding, and to consider, a Petition for Zoning Map Amendment filed by the Village regarding various properties on East Washington Avenue in the Village. The public hearing had been originally convened on May 22, 2018 and was recessed to this date.

On motion made by W. Albert, seconded by R. Frillman, to re-convene the public hearing, the vote was 5 aye – 0 nay. Motion passed. The public hearing was re-convened at 7:06 p.m.

The Village Attorney explained that the Village had identified nine properties on East Washington Avenue that were classified in the M-1 Restricted Industrial Zoning District, but which in fact were long-standing residential uses, improved with single family residential buildings. In order to make such buildings generally conforming to the Zoning Regulations, a Petition for Zoning Amendment was filed. The owners were directly notified by letter of the proposed amendment. It is noted that uses that are non-conforming may not be re-established if there is substantial destruction to the premises; and financing for a prospective buyer of any such property would be hindered or prevented by the 'non-conforming' zoning status. The Village would prefer that the official zoning map reflect the actual use.

Mr. Kevin Miller and Mr. Pat Miller were in attendance, and addressed the Board concerning the Petition. Property owned by their parents, John and Mary Miller, at 352 E. Washington Avenue, had been re-zoned in 1999 to R-3 Two-Family Residential Zoning District, and the Millers desired to maintain that zoning for the property. Pat Miller presented a copy of Village Ordinance No. 99-23, dated August 17, 1999, confirming the zoning amendment for the property. Kevin Miller explained that his parents resided there, together with one of their children and his/her spouse. They believed it to be a 3-unit structure, but it was noted that R-3 Two-Family Residential Zoning District allows for only a 2-family residence.

On motion made by W. Albert, seconded by J. Schaul, to close the public hearing, the vote was 5 aye – 0 nay. Motion passed. The public hearing was closed at 7:17 p.m.

On motion made by J. Schaul, seconded by N. Collins, to amend the zoning for the eight properties listed on the petition, Exhibits A through E, and G through I, from M-1 Restricted Industrial Zoning District to R-2 Single Family Residential Zoning District, and specifically excepting the property listed on Exhibit F (at 352 East Washington Avenue), the vote was 5 aye – 0 nay. Motion passed.

On motion made by W. Albert, seconded by N. Collins, to re-convene the public hearing as to the property located at 402 E. Washington Avenue, and identified on Exhibit J to the Petition, to be re-zoned from R-4 Residence Zoning District to R-2 Single Family Residential Zoning District, the vote was 5 aye – 0 nay. Motion passed. The public hearing was re-convened at 7:21 p.m.

The Village Attorney noted that this was the sole property in the neighborhood to be changed from R-4 Residence Zoning District. No members of the public were present to comment on this proposed zoning amendment.

On motion made by W. Albert, seconded by N. Collins, to close the public hearing, the vote was 5 aye – 0 nay. Motion passed. The public hearing was closed at 7:23 p.m.

On motion made by W. Albert, seconded by N. Collins, to amend the zoning for the property at 402 E. Washington Avenue, from R-4 Residence Zoning District to R-2 Single Family Residential Zoning District, the vote was 5 aye – 0 nay. Motion passed.

On motion made by W. Albert, seconded by N. Collins, to authorize the Chair to review and sign appropriate Findings of Fact and Recommendation as to each of the decisions made at this meeting, the vote as 5 aye – 0 nay. Motion passed.

The Village Attorney announced that a meeting of the ZBA had been scheduled for June 26, 2018, to consider a Petition for Zoning Amendment on a portion of the Loves Property, to amend from M-1 Restricted Industrial Zoning District to HC Highway Commercial Zoning District to allow for a truck sales and repair facility. Materials filed in support of that application were distributed to the ZBA members.

On motion duly made and seconded, the meeting was adjourned at 7:32 p.m.

Respectfully submitted,

*Joseph Schaul Jr.*

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Secretary