

ZONING BOARD OF ADJUSTMENT
September 7, 2011 MEETING
DRAFT MINUTES

Board members present included Chairman Christopher Carley, Nicholas Wallner, Robert Harrison Jr., Robert Boley and James Monahan. Also present Zoning Administrator Craig Walker and Rose Fife, Clerk of the Board.

29-11 Gary Bennett for Skyview Development: Applicant request a use variance to Article 28-2-4(h), Table of Principal Uses, to permit the construction of a single family detached dwelling where such dwellings are not permitted at 20 Coral Street, Penacook in a CU Commercial Urban District.

Gary Bennett testified. He purchased the property 5 years ago. In 2006 they came before the Board and received approval for a variance to remove the barn and build a single family home. He took the barn down, but due to the economy he did not yet rebuild there. The variance has expired and he would like to renew it so that he can build a single family home.

Carley asked about the house foot print. (The old barn was approximately 60 x 60 and was built in the early 1900's. The whole street is residential. There is no commercial there.) Carley stated that it looked like they wanted to build a 25 square building. (Yes, it will be very small.)

Harrison asked if the lot had the correct dimensions to build there. (Walker explained that he would need 100 feet of frontage and that it was a non-conforming lot.) Harrison asked if it were a barn there, not a single family dwelling. (Walker stated that that was correct. Historically the barn was used as a forge/blacksmith shop for the firehouse.) Does it have water and sewer? (No.) It has never been a single family dwelling. (Walker stated that it had not been and it is a substandard lot.)

Boley asked what other buildings were on the street. (There are single family dwellings and an existing apartment building.)

Monahan asked Walker what would be allowed there. Walker stated that they could have, if the lot were big enough, attached dwellings, multi-family dwellings, day cares, office uses, etc.

In favor: none.

In opposition: none.

Comments by Code Administration: A variance was granted for this request in 2006.

DECISION: A move to deny the request was made by Harrison. Monahan seconded the motion for discussion purposes only. Harrison stated that it was a substandard lot. It has never had water and sewer to it and it doesn't meet the lot size criteria. If it had had water and sewer prior, he may feel differently about the request.

Monahan asked how he would feel about it if they had rehabilitated the barn. Harrison stated that he may be okay with that if it had water and sewer to it already.

Wallner stated that he has seen smaller lots come before the Board before. Carley felt that the hardship was created by the lot. Monahan agrees with Wallner that he has seen smaller lots come before the Board. There

is nothing else that they can build on this lot and it is a compatible use with the neighborhood. Wallner stated that it meets the setbacks.

The motion failed 4-1 with all but Harrison in the minority.

A motion to approve the request was made by Boley, seconded by Wallner and passed by a 4-1 vote with Harrison in the minority.

30-11 Sally L. & Edger Helms: Applicant wishes to construct a 92 square foot addition within the setbacks and requests the following:

- 1) Variance to Article 28-4-1(h), The Table of Dimensional Regulations, to permit an addition with a 10 foot +/- setback where a 25 foot setback is required
 - 2) Variance to Article 28-8-3(b)(1), Non-conforming Structures to permit alteration of the existing structure in a manner that increases its non-conformity,
- All for property at 2 Terrace Road in an RS Residential Single Family District.

Salley & Edger Helmes testified. Edger stated that they would like to add a bathroom off the downstairs master bedroom. This addition will take over their outside patio space. The addition would go out approximately 8 feet from the side of the building. It would not come any closer to the street than the existing building.

Monahan asked if this were a one level addition. (Yes, but the roof will slope down from the second floor for storage area.) Are you removing any trees? (Yes, but it is due to a retaining wall issue, not the addition.) Option 1 is the one they have chosen out of the plans submitted? (Correct.) Carley asked if it were a low slope roof over the peak. (Yes.)

In favor: none.

In opposition: none.

Comments from Code Administration: none.

DECISION: A motion to approve both of the requests was made by Wallner, seconded by Monahan and passed by a 5-0 vote. Wallner felt that there was no further encroachment into the setbacks.

MINUTES: A motion to approve the August 2011 Minutes was made by Wallner, seconded by Harrison and passed by a unanimous vote.

Correspondence received by Board. The Board was in receipt of a letter from Mr. Grath regarding Case 22-11, 101 South Street.

A TRUE RECORD ATTEST,

_____, CLERK
ZONING BOARD OF ADJUSTMENT