

DRAFT – NO LEGAL VALUE

Minutes

Zoning Board of Adjustment Meeting

Location: Strafford Town Hall Conference Room

Date & Time: April 21, 2022 7:00PM

Voting Board Members Present: Non-Voting Board Members Present:

Ashley Rowe – Chairman Genny Rizzotti

Alison Brisson – Vice Chairman Jean Chartrand-Ewen

Aaron Leff

Katrina Labrecque

Scott Hodgdon

Others Present:

Natalie Moles, Strafford Regional Planning Commission, Economic Recovery Coordinator

Dan Howard, Strafford Building Inspector

Robert Fletcher, Minutes Recorder

The Chairman called the meeting to order at 7:04PM and indicated the closing date for new applications to be filed for the agenda for the regular May 19, 2022 meeting will be April 28, 2022.

The Chairman asked the Board members if they had reviewed the minutes of the March 15, 2022 meeting, and all indicated they had. Alison Brisson made a motion to accept the minutes as written, which was seconded by Aaron Leff and voted upon verbally in the affirmative by all Board members.

The Chairman reminded the Board that all votes taken during the meeting would be roll call votes. He recognized Board members Alison Brisson, Aaron Leff, Scott Hodgdon, Katrina Labrecque, Genny Rizzotti and Jean Chartrand-Ewen as present. He indicated the Meeting agenda would be rearranged to address other business first.

Other Business

Vertex Tower Assets, LLC (22 Hillside Drive, Strafford NH, 03884) is requesting an extension for a Variance granted by the ZBA to construct and operate a telecommunications facility. Jon Springer, a Portsmouth attorney, was present to represent Vertex Tower Assets; however, the Chairman indicated the Board would not be taking action on the extension request because the Variance was granted in 2020 and is valid for four years.

New Business

The Chairman read for the record: John and Dianne Mercier are requesting a Special Exception under Article 1.7.1 of the Zoning and Land Use Ordinances to allow the expansion of use of an existing non-conforming structure; the existing home and deck is located 30.4 feet from the shore of Bow Lake at its closest point and within approximately 20 feet of the easterly side boundary, which is closer to Bow Lake and to the side boundary than current

ordinances require. The applicants are renovating the existing structure and will be converting an exterior concrete pad on the northerly end of the existing garage wing into interior living area and converting the existing breezeway connection between the garage and the house to interior space. The newly constructed interior area will meet all setback requirements and will not increase the non-conformity of the existing structure (57 Bow Lake Estates Road, Tax Map 23, Lot 4).

The Chairman also read for the record: John & Dianne Mercier are requesting a Variance to Article 1.4.1, Section B of the Zoning and Land Use Ordinances in order to construct a new 8 foot by 3.8 foot front stoop, a portion of which will come closer to the front boundary than current ordinances require. The southerly corner of the new front stoop will extend approximately 3 feet closer to the front boundary than ordinances require but will encroach no farther toward the front boundary than the existing garage, which is located 35.8 feet from the front boundary (57 Bow Lake Estates Road, Tax Map 23, Lot 4).

The Chairman asked if anyone was available to address the requests. John Bisson, a Manchester attorney representing the Mercier's, provided an overview of expansion of use for the residence and addressed each request separately as follows:

Special Exception under Article 1.7.1 of the Zoning and Land Use Ordinance

Currently two separate structures, a garage and a residence, exist on the property with a concrete slab located between the structures and an exterior concrete slab along the back of the garage. The concrete slab between the structures will be removed and the two structures will be joined into one structure. Additionally, the garage area will be increased to incorporate the exterior concrete slab and renovated into a single car garage and additional living space.

The criteria to be met in order for a proposal to qualify for the granting of a Special Exception were presented as follows:

1. *The use, lot or structure has not been made more non-conforming.*

The lot and building will become more conforming by removal of a large section of the asphalt driveway which will be replaced with landscape and/or porous materials. The improvements will remain the same that a nominal reduction in size result from the removal of a bay window and replacement with a flush mount window.

2. *The change or expansion of use is not detrimental or offensive to owners of adjoining property or to the Town, does not adversely affect nearby property values, does not cause any hazard to health or safety, and does not adversely affect the character of the area in which the use will be located.*

The work proposed will increase curb appeal, value and tax base. The plans and specification demonstrate the work will bring the home up to current standards and be compliant with applicable safety codes. Additionally, two abutters have indicated their support for the project.

3. *The use conforms to all other applicable regulations governing the district.*

The home is currently a three-bedroom single-family residence, and that use will remain on the same footprint.

4. *The use has adequate water supply and sewerage system and meets all other applicable requirements of the State of New Hampshire.*

The home is serviced by municipal water. The septic system, although dated, functions well for a three-bedroom residence. The system was inspected thoroughly at the time of purchase and may continue its current service without modification for the continuation of the single-family use.

The Chairman questioned the age of the septic system and whether or not a new system design was needed. The Board concluded this was not necessary because the current system would still support three-bedroom single-family use and the structure was being renovated, not replaced. Jean Chartrand-Ewen asked if the deck was going to remain open space, and the applicant confirmed that it would.

The Chairman opened the meeting for Public discussion at 7:17PM, and there being none, closed the meeting for Public discussion. The Board agreed the criteria had been met, and there being no further Board discussion, he asked for a motion to grant the Special Exception, which was so moved by Aaron Leff, seconded by Alison Brisson, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Variance to Article 1.4.1, Section B of the Zoning and Land Use Ordinance

The joining of the two structures and removal of a portion of the current driveway presented the need for steps to a new entrance to the residence. A new front stoop which will project 3 feet closer to the front boundary is proposed for appropriate access to the new residential entrance.

The criteria to be met in order for a proposal to qualify for the granting of a Variance were presented as follows:

1. ***Granting the Variance will not be contrary to the public interest.***

The Public interest will be served by an increase in the tax base, an increased curb appeal that will enhance the value of neighboring properties, and a net reduction in impervious area which benefits the community and the lake.

2. ***The use contemplated by the applicant as a result of obtaining the Variance would or would not be consistent with the spirit of the Ordinance.***

The home currently exists as a three-bedroom single-family residence. Its use will remain identical with the exception of aesthetic improvements and would be consistent with the spirit of the Ordinance.

3. ***By granting the Variance, substantial justice would or would not be done.***

There would be no injury to the Public by granting the Variance, because the home currently exists as a three-bedroom single-family residence with no change in use or footprint on the property.

4. ***There would or would not be a diminution in the value of the surrounding properties.***

Realtor assessment indicates the value of surrounding properties will not diminish, but are expected to increase in value, and the property improvements are welcomed by abutters.

5. ***Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship in that 1) there are or are not "special conditions" of the property that distinguish it from other properties in the area such that denial of the Variance would result in unnecessary hardship, 2) the relationship between the general public purpose of the ordinance and the specific application to this property is fair or no fair and substantial relationship exists, 3) the proposed use is reasonable, OR there are or are not special conditions of the property that distinguish it from other properties in the area such that there is not a reasonable use of the property without granting a Variance.***

There is no fair and substantial relationship between the terms of the Ordinance at issue and the application to the subject property. The renovation will result in a net reduction of impervious area by removal of pavement. The purpose of zoning and the application of the Ordinance is to benefit the health, safety, and welfare of the community. The use proposed is reasonable. The stoop is modest in size and comports with the existing structure, and it will create no harm to the health, safety, and welfare of the community if the Variance is approved and the stoop constructed.

The Chairman asked the Board if they had any questions. Jean Chartrand-Ewen suggested that approval of the Variance be contingent upon the deck remaining open. The Chairman stated that the deck was forbidden from being enclosed by State law. He asked Dan Howard, Strafford Building Inspector, if a Certificate of Occupancy would be required following proposed renovations, and he expressed concern regarding confirmation of pavement removal. Mr. Howard indicated he would have to check on the need for a certificate, because one would not normally be required for minor renovations. However, all agreed that making pavement removal a condition of Variance approval would be acceptable and also be included in the building permit.

There being no further questions, and the Board having agreed the criteria had been met, the Chairman asked for a motion to grant the Variance with the condition that the Town codes officer report back to the Board that renovations were complete in accordance with the shore land plans as approved. Aaron Leff made the motion, which was seconded by Alison Brisson and voted upon verbally in affirmative by all voting Board members. The motion passed.

New Business Continued

The Chairman indicated he would recuse himself and turned the Meeting over to Vice Chairman, Alison Brisson, who appointed alternate Board member, Jean Chartrand-Ewen, as a voting member.

The Vice Chairman read for the record: Travis Saunders is requesting a Variance to Article 1.4.1, Section C of the Zoning and Land Use Ordinances in order to raise the roof of an existing non-conforming structure to convert second floor crawl space to living area to allow the construction of a new master bedroom on the second floor. The expansion of the second floor living area will include reorienting the existing roof line and gables. The existing home with a rear deck comes within 9.4 feet of the easterly boundary and within approximately 3 feet of the westerly boundary where a 25 foot side setback is required by current ordinances. The existing structure meets front and rear setback requirements (23 Fire Road 5, Tax Map 31, Lot 42).

The Vice Chairman asked Mr. Saunders to address the Variance request. Mr. Saunders indicated that the renovations to his residence would expand the square footage of the second floor and would not increase the foot-print of the existing structure. The renovation would relocate the second story gables from the sides to the front and back of the structure. He indicated his property was not a lake-front property and all abutters were family members except one to the right of the property. Additionally, bedrooms are currently on the second floor, and they would be reconfigured in the renovation. He confirmed that the current deck would remain open space.

The Vice Chairman opened the meeting for Public discussion at 7:31PM, and there being none, closed the meeting for Public discussion. She asked Mr. Saunders to address the criteria that must be met for the proposal to qualify for the granting of a Variance.

1. ***Granting the Variance will not be contrary to the public interest.***

Granting the Variance will improve the aesthetics of the property resembling surrounding properties.

2. ***The use contemplated by the applicant as a result of obtaining the Variance would or would not be consistent with the spirit of the Ordinance.***

The improvement of the aesthetics will not make the property more non-conforming, therefore maintaining observed Ordinance. The structure will remain a three-bedroom residence.

3. By granting the Variance, substantial justice would or would not be done.

The surrounding properties have already been improved, so granting the Variance will bring the residence up to the same level.

4. There would or would not be a diminution in the value of the surrounding properties.

The residence is in need of work, and the improvement will be aesthetically pleasing.

5. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship in that 1) there are or are not "special conditions" of the property that distinguish it from other properties in the area such that denial of the Variance would result in unnecessary hardship, 2) the relationship between the general public purpose of the ordinance and the specific application to this property is fair or no fair and substantial relationship exists, 3) the proposed use is reasonable, OR there are or are not special conditions of the property that distinguish it from other properties in the area such that there is not a reasonable use of the property without granting a Variance.

The property is not unique compared to the other surrounding non-conforming properties. The property is just the last in the area to be improved. Without this improvement, use of the property would be limited and cause a hardship.

The Board agreed that the criteria had been met, and the Vice Chairman asked for a motion to grant the Variance, which was so moved by Aaron Leff, seconded by Katrina Labrecque, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

There being no further business before the Board, the Vice Chairman called for a motion to adjourn. Aaron Leff moved to adjourn, which was seconded by Jean Chartrand-Ewen, and voted on in the affirmative by all Board members. The meeting was adjourned at 7:42PM.