

## Zoning Board of Adjustment Meeting Minutes

**Location:** Strafford Town Hall Conference Room

**Date & Time:** November 16, 2023 7:00PM

**Voting Board Members Present:**

Ashley Rowe – Chairman  
Aaron Leff  
Katrina Labrecque  
Scott Hodgdon

**Non-Voting Board Members Present:**

Jean Chartrand-Ewen  
Charlie Burnham

**Others Present:**

Blair Haney, Strafford Regional Planning Commission, Regional Planner  
Robert Fletcher, Minutes Recorder

The Chairman called the meeting to order at 7:00PM and recognized Board members Katrina Labrecque, Aaron Leff, Scott Hodgdon, Jean Ewen, and Charlie Burnham as present. He indicated the closing date for new applications to be filed for the agenda for the regular December 21, 2023 meeting will be Thursday, November 30, 2023. He appointed Jean Ewen as a voting Board member.

The Chairman stated that acceptance of the October 19, 2023 meeting minutes would be tabled pending minor additions to clarify a portion of the Board discussion at the meeting.

**Continuing Business**

**Elliot Case 23-008:** Zachary and Kristina Elliot are requesting a Variance to Article 1.4.4, Section 3 of the Zoning and Land Use Ordinances in order to allow a partially constructed building to remain in place. The structure is located within approximately 10 horizontal feet of a designated wetlands area as shown on the 2016 subdivision plan, which is up to 40 feet closer to wetlands than ordinances require. (Location: 1050 Second Crown Point Road, Tax Map 19, Lot 1-1)

Zachary Elliot requested a continuance, and the Chairman asked for a motion from the Board. Aaron Leff made a motion to grant a continuance to the 7:00PM meeting on December 21, 2023, which was seconded by Katrina Labrecque, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

**Snyder Case:** Candy Rand Snyder is requesting a Variance to Article 1.4.1, Sections B and C, of the Zoning and Land Use Ordinances in order to construct a new 25-foot by 24-foot garage which will be located closer to the front boundary and to the side boundary than ordinances require. On a corner lot, front yard setbacks are required to both Bow Lake Estates Road and Kooouakee Court. The proposed garage would come within approximately 8 feet of the applicant's property boundary, which would be up to 32 feet closer to the front boundary with Kooouakee Court than current ordinances require and

may be up to 17 feet closer to the adjoining lot to the northwest than current ordinances require. (52 Bow Lake Estates Road, Tax Map 23, Lot 115)

Prior to the meeting, the applicant requested a continuance. The Chairman asked for a motion to grant a continuance to the 7:00PM meeting on December 21, 2023, which was so moved by Jean Ewen, seconded by Aaron Leff, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

### **New Business**

**Sweet Case 23-014:** Scott and Lynn Sweet are requesting Variances to Article 1.4.1, Sections B and C of the Zoning and Land Use Ordinances in order to reconstruct an existing 981 square foot non-conforming seasonal structure as a two-story 2-bedroom 1701 square foot home with a new foundation and added living space and a new front and side deck. The reconstructed structure will include additional living area that comes within 18.2 feet of the southerly side boundary, which is closer than current ordinances allow although no closer than the existing structure. The new structure will also include a new front and side deck that comes within 31 feet of the front boundary with Bow View Drive, which is up to 9 feet closer to the front boundary than ordinances allow. The deck will extend within 18.2 feet of the southerly side boundary and within 19.2 feet of the northerly side boundary, which is closer to both side boundaries than the 25 foot side yard setback current ordinances require. (70 Bow View Drive, Tax Map 27, Lot 25)

The Chairman asked the applicant to address the Variance request. Lynn Sweet provided application materials and, referring to plot plans, described the proposed construction improvements which result in the need for a Variance. The Chairman asked Lynn to address the five criteria to be met for a proposal to qualify for the granting of a Variance, which were presented as follows:

1) Explain why the granting of this variance would not be contrary to the public interest.

**We feel this would not be contrary to the public interest. It would be bringing the cottage up to the values of the other homes on the road. It would also make the structure safer by stabilizing it on a foundation.**

2) Explain why the use of the property contemplated by the applicant as a result of obtaining this variance would not be contrary to the spirit of the ordinance. Why would the spirit of the ordinance still be observed?

**Use will not be changed, however will upgrade the comfort and function of the property.**

3) Explain how, by granting this variance, substantial justice would be done.

**Improving the building and conforming and meeting the standards of the already upgraded cottages on the road.**

4) Explain why the values of surrounding properties will not diminish as a result of the granting of this ordinance.

**Home values on the Bow View will not be impacted by the upgrades, we would be conforming to the values and the esthetics.**

5A) Explain the "special conditions" of the land that distinguish it from other properties in the area, such that denial of the variance would result in unnecessary hardship. How is the proposed use a reasonable one? How is your property unique such that no fair and substantial relationship exists

between the general public purpose of the ordinance and the specific application of that provision to your property?

**Due to the nature on any non-conforming lot, it unfortunately creates a hardship for anyone owning one. We are not increasing the use or the burden, but due to size and set back requirements of the lot it creates the hardship.**

5B) Explain how the "special conditions" of your property distinguish it from other properties in the area such that there is not a reasonable use of your property without the granting of a variance.

**We are not saying that there is no reasonable use of the property, we would like to make it more sufficient for its intended use.**

The Board confirmed that the structure would remain as a seasonal cottage, and that the current septic system was approved when installed ten years ago. The Board also recognized that the property bordered Fire Road #22, a non-constructed pedestrian way. The Chairman opened the meeting for public comments at 7:10PM. Robert Sergent, a neighbor of the Sweets, indicated he attended the meeting determine the extent of the upgrade, had no objections. The Chairman closed the meeting to public comments and asked for a motion either for or against the application. Jean Ewen made a motion to grant the requested Variances, which was so moved by Aaron Leff and voted upon verbally in the affirmative by all voting Board members. The motion passed.

**Thornton Case 23-015:** Jeff and Emily Thornton are requesting a Special Exception under Article 1.4.1, Section K, of the Zoning and Land Use Ordinances in order to convert the upper level of their existing attached garage into a new one-bedroom Accessory Dwelling Unit. (849 Second Crown Point Road, Tax Map 19, Lot 72-2)

The Chairman asked the applicant to address the application and Special Exception criteria. Jeff Thornton described the need to construct a one-bedroom ADU in the second floor of their attached garage as a residence for his son. There would be no change to the exterior of the existing residence and egress from the ADU and adequate parking is provided. There is an interior door between the owner occupied principal residence and the attached garage. The current septic system has a 1250 gallon holding tank.

The Chairman indicated that the state requires the septic for a one-bedroom ADU be sized at one and one-half bedrooms. This addition to a three-bedroom residence would require a septic system with a minimum tank size of 2500 gallons to support four and one-half bedrooms. In order to approve the addition of an ADU, the applicant would need a state approved septic design to support the increased load should the current system fail. The Chairman suggested the applicant request a continuance in order to obtain a septic design approval, which Mr. Thornton requested. Jean Ewen made a motion to grant a continuance, which was seconded by Aaron Leff, and voted upon verbally in the affirmative by all voting Board members. The motion passed.

### **Other Business**

Zachary Elliot asked the Board for clarification of the approved uses for primary and secondary structures. The Chairman stated that for zoning purposes a secondary structure is generally allowed only as an accessory to a primary structure. Uses for primary and accessory structures are indicated in

Zoning and Land Use Ordinances, Section 1.4.2, Land Uses Allowed. He asked Blair Haney to describe them, which were as follows.

- The buying, selling, and exposing for sale of home produce and products.
- The office of a professional person.
- Taking of boarders or the leasing or renting of rooms or buildings.
- Customary home occupations carried on in the house by a resident person.
- Single family, two family, and three family residences including accessory buildings and buildings for agricultural purposes are permitted in this District.
- Convalescent and nursing homes for the elderly, churches, schools, playgrounds, parks, golf courses, tennis courts, and agrotourism.
- Farming, including dairying, livestock, and poultry raising, horticulture, truck farming, forestry, and other related agricultural enterprises, and the sale of the products realized from farming is permitted.
- Telecommunications Facilities.
- Small Wind Energy Systems.

A Special Exception to allow other uses could be requested for Board consideration.

Mr. Elliot also question the comment at the October 19<sup>th</sup> meeting by a Board member who could not recall that the Board had granted a wetland variance in the past. The Chairman indicated that a statement of this nature would only be relevant to the time of the Board member's service and actual Board meeting attendance, and one cannot conclude from that statement that a wetland variance had not been granted in the past. Mr. Elliot had no further questions or comments for the Board.

There being no further business before the Board, the Chairman called for a motion to adjourn. Aaron Leff moved to adjourn, which was seconded by Jean Ewen, and voted on in the affirmative by all Board members. The meeting was adjourned at 7:28PM.