

DRAFT – NO LEGAL VALUE

Zoning Board of Adjustment Meeting Minutes

Location: Strafford Town Hall Conference Room

Date & Time: December 19, 2024 6:30PM

Board Members Present:

Ashley Rowe – Chairman
Aaron Leff
Jean Chartrand-Ewen
Alan Williams

Alternate Board Members Present:

Steve Smith

Others Present:

Owen Corcoran, Strafford Regional Planning Commission, Regional Planner
Robert Fletcher, Minutes Recorder

The Chairman called the meeting to order at 6:30PM and indicated the closing date for new applications to be filed for the agenda for the regular January 16, 2025 meeting is Thursday, December 26, 2024. He recognized Board members Aaron Leff, Jean Ewen, Alan Williams. and Steve Smith as present.

New Business

Case #469, The Charles R. Masiello Family Trust is requesting a Variance to Article 1.4.1, Section C Side and Back Yards of the Zoning and Land Use Ordinances in order to construct a new approximately 10-foot by 14-foot deck and 4-foot wide side access stairs on a non-conforming lakeshore home. The proposed deck would come within approximately 16.25 feet of the easterly side boundary and the side stairs would come within 7.7 feet of the easterly side boundary at their closest point, which at the closest point is up to 17.3 feet closer to the side boundary and closer to a structure on the abutting Map 33, Lot 11 than current ordinances require. 163 Browns Pasture Road (Tax Map 33, Lot 10).

The Chairman asked Chris Berry of Berry Surveying and Engineering, representative for the applicant, to present the case. Mr. Berry indicated that the applicant had requested a Variance at the September 2024 Zoning Board meeting to construct a new approximately 10' by 14' deck and 4' wide stairs on a non-conforming lake shore home. The Variance was granted with the condition that the deck stairs fold back in a northeasterly direction along the face of the deck to increase their distance from the shore line. During construction, the applicant determined a better location for the stairs which would further increase the deck shore line setback, but would decrease the side boundary setback due to the stairs relocation.

The Chairman asked Mr. Berry to address the criteria for granting a Variance, which he provided as follows:

1. Granting of the variance would not be contrary to the public interest.

The public interest, with respect to these sections are to ensure structures are as conforming as possible while maintaining a reasonable use of the site. The stairs are a reasonable use of a shorefront parcel and creates less impact on the lake. Relief within a sideline setback vs additional impact towards the lake is within the public's interest. There is no detriment to health, wealth or safety of others by having an accessory use within the sideline setback that already services the home.

2. Granting the variance would be consistent with the spirit of the Ordinance.

The spirit of the ordinance is to ensure a reasonable use of the property which includes a reasonable access into the structure while providing the greatest protection possible to the resources of the Town of Strafford. The proposed alternative protects the lake and provides an encroachment into the side setback that is congruent with others in the neighborhood. Based on this congruency, the encroachment into the setback does not change the essential character in a marked way.

3. Granting of the variance would do substantial justice.

The benefit to the applicant is that a set of stairs is afforded to the water side deck without encroachment into the water front setback. There is no detriment to the general public or the ordinance itself with the encroachment into the side setback. In fact, there is a greater benefit to the public with the proposed alternative. Substantial justice is served when the gain to the applicant outweighs the detriment to the public.

4. Granting the variance will not result in diminution of surrounding property values.

The surrounding properties will not be diminished in value by the proposed alternative stair location, whereas many of the direct abutters have accessory structures located within the same setbacks. This is for a residential use in a residential zone, and thus creates no greater nuisance than is found in the congruent zone.

5. Special conditions exist such that literal enforcement of the Ordinance will result in unnecessary hardship to the applicant as defined under applicable law.

In this case the special condition of this parcel is the existing infrastructure that is to remain in conjunction with the existing non-conforming lot and general home placement against the existing lot lines. The other proven solution provides a greater impact on the lake and enjoyment thereof and therefore denial of this request would impose a hardship on the applicant that is unnecessary.

The Chairman briefly restated the conditions for the initial Variance as opposed to the current Variance request. He asked the Board if there were any question, and there being none, opened the meeting for public comments at 6:36PM. There were no comments, and he closed the meeting to public comments at 6:36PM. He asked for a motion to grant the Variance which was so moved by Aaron Leff, seconded by Alan Williams and voted upon verbally in the affirmative by all voting Board members. The motion passed.

Other Business

The Chairman asked the Board to review the minutes from the November 21, 2024 meeting. Jean Ewen offered a correction to a statement made by Mr. Joffres, and the minutes had been previously amended. Aaron Leff made a motion to accept the minutes as amended, which was seconded by Jean Ewen and voted upon verbally in the affirmative by all Board members in attendance at the meeting. The motion passed.

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 adjourned at 6:38PMPM.

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