

ZONING BOARD OF ADJUSTMENT

Wednesday, December 19, 2007
Belmont Corner Meeting House
Belmont, N.H.03220

Members Present: Chairman P. Harris; P. Oberhausen and L. Couture.
Members Absent: N. Patten (E)
Alternates Present: P. Palombo and A. Beliveau.
Alternates Absent: E. Hawkins (E).
Staff: C. Daigle and E. Murphy.

The chairman opened the meeting at 7p.m. and appointed P. Palombo and A. Beliveau as voting members for tonight's meeting.

Abutters' Hearing – Donald Wilson: Request for a Variance of Article 5 Table 2 of the Zoning Ordinance to construct a garage closer (15') to the front property line than allowed (50') but not closer than the existing building to be demolished. Property is located at 25 Wakeman Road in a "RS" Zone, Tax Lot 111-020, ZBA # 6707.

Mr. Wilson presented the application.

Mr. Wilson explained that the proposal is to build a garage and remove the existing shed that is too close to the road. He needs a garage because he is a carpenter and needs a place to park his truck. His wife is a nurse and her car needs to be inside because sometimes she gets called out at night. He stated that by removing the shed emergency vehicles will have easier access to the property because with the shed their vehicles cannot turn around.

P. Oberhausen wanted to know which way the entrance to the garage will face. Mr. Wilson stated that it will face the driveway. They want move to Belmont in the future and he needs a workshop.

P. Harris stated that it does not block any views. Mr. Wilson agreed stating that it is a single story two car garage. L. Couture wanted to know if once the shed is removed will the garage be closer to the house. Mr. Wilson stated that it will be and by moving it closer to the house emergency vehicles will have easier access to the property. He has talked to the neighbors and they have no complaints.

C. Daigle wanted Mr. Wilson aware that he can't have any business use on the property and only one commercial vehicle is allowed on site. Mr. Wilson stated that he will not use the site for business and his vehicle will be used to commute to work.

The chairman asked if anyone in the audience had any questions or comments. There being none, he closed the public hearing.

BOARD ACTION – DONALD WILSON:

- MOTION:** A. Beliveau moved to grant a Variance of Article 5 Table 2 of the Zoning Ordinance to construct a garage closer (15') to the front property line than allowed (50') but not closer than the existing building to be demolished as it meets all the criteria.
1. A variance will not decrease surrounding property values because removing the shed will enhance the property and the garage will setback further from the road.
 2. A variance is not contrary to the public interest because they are removing a nonconforming structure. The new structure will meet the 12.5' side setback and meet all building codes.
 3. Denial would result in unnecessary hardship to the owner because
 - A. The variance is needed to enable the applicant to construct the development as designed due to special conditions of the property because this is a nonconforming lot.
 - B. The benefit sought by the applicant cannot be achieved by some other reasonably feasible method because the lot is small and there is no other place to put the garage.
 4. A variance will result in substantial justice being done because it will enhance the property and neighborhood by storing vehicles and supplies inside. It will increase the tax base.
 5. A variance will observe the spirit and intent of the ordinance because it will allow for better waterfront access and meets the 50' high water mark setback No negative impact on the water.

The following conditions will apply.

6. All property bounds/existing footprint certified during construction is required.
7. Existing shed shall be demolished prior to construction of garage.
8. No structure or additions that do not meet setback, except for those approved herein are allowed.

The motion was seconded by L. Couture and carried. (5-0)

OTHER BUSINESS:

BOARD'S ACTION - MINUTES:

P. Oberhausen made a motion to approve the minutes of November 28, 2007. P. Palombo seconded. Carried (4-0-1) L. Couture abstained

STAFF REPORT:

PROPOSED AMENDMENTS:

C. Daigle explained that the Planning Board is proposing an Aquifer Amendment. The first public hearing was December 10th and the second and third are scheduled for January 14th and January 28th. There are two other minor amendments proposed. One has to do with signage and the other is a minor change to the Flood Plain Ordinance as recommended by NH Office of Energy & Planning.

P. Oberhausen wanted to know if the signage amendment has to do with illumination. C. Daigle stated that it has to do with reducing the square footage of signs from 100sf to 49sf in the residential multi-family, residential single-family, rural and village zones. The Board discussed different signs in the Lakes Region and how the brightness can be a distraction to drivers. C. Daigle stated that it is too late in the process to be included this year but may be addressed next year.

ADJOURNMENT:

MOTION: On a motion by P. Oberhausen, seconded by A. Beliveau, it was voted unanimously to adjourn at 7:20 p.m. (5-0).

Respectfully submitted,

Elaine M. Murphy