

Mr. Fletcher stated he would like the back of the property for a turn around space so he does not have to turn around on Winter Street. The existing garage is right on the property line currently and he is moving the garage back 20ft. He thinks a great deal of excavation would be required to place the garage in any other place. There isn't any drainage there now and if he builds a garage it will be set back in the bank with French drains to facilitate for runoff. It is a problem with water run off now and the garage fills up with water. As far as the abutter complaint the garage now is on the property and he will be moving it 20ft away from where he is now.

Mr. Hanson asked how big the garage is now. Mr. Fletcher advised that it is 12' X 20' and he is considering a 20' x 30', maybe a little smaller. He would like a one bay with an area for a woodshop. Mr. Hanson stated there is already a water problem with his neighbor and his new wall is already starting to tip over. Mr. Fletcher wants to bury a French drain to go down his driveway for water removal. Mr. Hanson said he would have to tap into the catch basin system and not allow the water to run into the street. Mr. Hanson thinks this could be more trouble than Mr. Fletcher is aware of. Mr. Hanson said by ordinance you cannot allow the water to run into the street and any improvements or changes are where these issues are addressed.

Mr. Woodman asked how steep the bank was and what the elevation was. Mr. Fletcher said it is quite steep. Mr. Fletcher thought he could tear down the old garage and make a turn around spot and do something with the water problem to solve a few problems. Mr. Fletcher advised that the neighbor is going to have trouble keeping his wall even if he does not build the garage. Chair Hurd stated if there is any runoff from the new garage roof it will still cause problems for the neighbor. Mr. Woodman recommends a drainage pipe down the side of driveway and tap into the City's drainage that runs up and down Winter Street and this may also help to drain his basement.

Mr. Caouette asked where the turnaround would be. Mr. Fletcher said his turn around area would be where the existing garage is now. Right now the garage is at the top of the driveway and there is no place to turn around. Mr. Woodman pointed out that a great deal of excavation would be required and he should backfill with stone. Mr. Fletcher advised that he will put a French drain in with some stone. Chair Hurd asked if the back piece of property was on a slant. Mr. Fletcher said there is a flat spot before the property goes straight up. Discussion with board members and Mr. Fletcher regarding where his boundaries are. Mr. Woodman recommends a survey be done on the property. Chair Hurd feels that there is no side yard setback viewing the picture presented. Mr. Hurd suggests a deed search or similar action take place to determine his exact property line. Mr. Woodman feels the GIS is inaccurate. Ms. Towle advised that she also would like some more information regarding the drainage.

Closed public hearing

Motion to: To continue the application to next months meeting July 7, 2008 to collect more property information

Made by: Mr. Woodman

Second: Ms Towle

Vote: Unanimous

Advised the applicant needs to stay in contact with office of Planning and Development.

- **(ZO2008-00010) James Sabalewski, 127 Slab City Road, Claremont, NH** – seeks an Area Variance from Sections 22-169 (4) of the City Zoning Ordinance in order to build a garage approximately 15 ft from the rear yard where 25ft is required. Tax Map: 85, Lot: 6, Zoning District: RR.

Abutters roll call – None Present

Mr. Giles advised the applicant is seeking a front and rear yard variance in order to construct an accessory building to be used as a garage for vehicular storage. Under the regulations the buildings must maintain a 50' setback from any public or private right of way. The applicant will be encroach into the front yard set back at 44ft and will require a 6ft variance. The applicant will maintain the rear setback with an existing powerline easement and will require a 10ft variance from that easement. If approved the ZBA would need a favorable recommendation for ALL the findings of fact.

Open public hearing

Mr. Woodman asked where the garage will be placed. Mr. Sabalewski advised when facing the house the garage will be going on the right hand side. Mr. Woodman said this will take some fill prior to erecting the structure.

Chair Hurd confirmed the dimensions with the applicant as 44ft from the property line in the front which is less than the existing house. Mr. Sabalewski confirmed this dimension. Chair Hurd confirmed that the back closest corner is 15ft to the power line easement. Mr. Sabalewski confirmed this dimension. Chair Hurd confirmed the garage would be 36ft from the house and there is enough clearance on the other side, they will not be changing the entrance. Mr. Sabalewski confirmed these questions.

Closed public hearing

Motion to: Approve ZO2008-00010 for an area variance of an accessory building within the 50ft rear setbacks.

Made by: Mr. Caouette **Second:** Ms. Towle **Vote:** Unanimous

1. Does the proposed use maintain the value of surrounding property? Unanimous
2. Would granting the variance maintain the objectives of the zoning ordinance? Unanimous
3. Would denial of the variance result in unnecessary hardship to the applicant because:
 - a. There are special, unique conditions of the property itself that make it difficult or impossible to use applying the requirements of the zoning ordinance? Unanimous
 - b. The use sought by the applicant cannot be achieved by another method, other than through the granting of an area variance? Unanimous
4. Will granting the variance result in substantial justice? Unanimous
5. Is the use in accord and not contrary to the spirit and intent of the ordinance? Unanimous

The applicant was advised to go to the Building Department for permitting.

- **(ZO2008-00011) Michael T. Crone, PO Box 651, Claremont, NH** – seeks an Area Variance from Sections 22-208 to reduce the building envelope width from 100’ to 90’ on the parsonage side and 71’ on the church side and Section 22-209 (3) to reduce the side setback requirement on the parsonage side to 5’ where 10’ is required, of the City Zoning Ordinance in order to convert the buildings into 2 single family homes. Tax Map: 131, Lot: 222, Zoning District: R-1.

Abutters Roll call – None present

Mr. Giles advised that the applicant wants to subdivide and create two new lots on site, one being a single family home and the other being a church. If the two lots are created then both lots would be under the minimum lot width for the zoning criteria, 90ft and 71ft on the other. The new lots would preserve the existing structures on site and the single family home would encroach 5ft into the side setback and the church would meet the setback requirements. Mr. Giles noted that these are Preexisting structures and pre-date the zoning.

Mr. Caouette asked if there would be two separate driveways. Mr. Giles said there are two separate curb cuts but he believes they were planning on having a shared access. Mr. Hanson asked if there would be a side setback problem with the new church. Mr. Giles advised that the church would meet the requirements although the single family home would not.

Open Public Hearing

Mr. Crone advised that the property has been vacant for several years and the problem has been what to do with the church. Mr. Crone thought a solution would be to have two separate lots with two single family homes each with their own lot. He advised he cannot think of any other solution to creating occupancy for this property. Mr. Hanson asked how many square feet the house is. Mr. Crone advised the house is 1800 square feet and the church is 2500 square feet. Mr.

Woodman asked what they are going to turn the house into. Mr. Crone advised the house is a parsonage, just needs some cosmetic changes and is already set up as a house. Mr. Woodman stated they would both return to the tax roll. Mr. Crone advised that both properties have been for sale for a couple of years now and it would be nice to see them occupied.

Mr. Bob Weaver is the real estate agent representing Mr. Crone and advised that this property been vacant for almost 4 years. Both properties are deteriorating and it is an attractive nuisance and encourages vandalism. This would improve the neighborhood and increase the tax role.

Closed public hearing

Chair Hurd advised that the only problem he sees is that they are taking one non conforming lot and making two.

Mr. Woodman thinks that it would a shame to tear one of the buildings down. Chair Hurd said it would be 100 ft of road frontage required for the two driveways. Chair Hurd feels the frontage is also a concern. Mr. Woodman feels this is a good use for the property as residential since it does have some space. Mr. Hurd reminds the board of problems in the past with the 100ft yard frontage.

Mr. Caouette asked about the frontage and the importance. Chair Hurd explained this was to create better driveway layouts in developments and less narrow passage for driveways. Mr. Woodman did not feel the two smaller lots would produce a parking problem.

Motion to: To approve an Area Variance to create two lots below the 100' minimum lot width and allow an existing building to encroach within the 10' side setback on 175 Mulberry St. Tax Map 131, Lot 222

Made by: Mr. Caouette **Second:** Ms. Towle **Vote:** Unanimous

1. Does the proposed use maintain the value of surrounding property? Unanimous
2. Would granting the variance be in accord with the public interest or, in other words, would granting the variance maintain the objectives of the zoning ordinance? Unanimous
3. Would denial of the variance result in unnecessary hardship to the applicant because:
 - a. There are special, unique conditions of the property itself that make it difficult or impossible to use applying the requirements of the zoning ordinance? Unanimous
 - b. The use sought by the applicant cannot be achieved by another method, other than through the granting of an area variance? Unanimous
4. Will granting the variance result in substantial justice? Unanimous
5. Is the use in accord and not contrary to the spirit and intent of the ordinance? Unanimous
 - **(ZO2008-00012) 74 Lafayette Street, Claremont, NH** – seeks an Area Variance from Sections 22-229 (3) of the City Zoning Ordinance in order to reconstruct a garage approximately 6 ft from the side yard where 10ft is required. Tax Map: 107, Lot: 95, Zoning District: R-2.

Abutters Roll Call – None present

Mr. Giles advised that the applicant is requesting to replacing an existing garage without enlarging or altering the footprint. If the existing garage rebuilt would maintain a 6 ft side setback and 4 ft encroachment. The City regulates rebuilding non-conforming buildings, if you purposely destroy an existing non conforming structure you have to build it within the regulations. Mr. Giles advised when a person is redeveloping a non conforming structure and does not enlarge the building footprint or expand the non conformance they must follow the regulations.

Open public hearing

Mr. Woodman asked if they took down three walls and left one remaining would the applicant need to go before the board. Chair Hurd mentioned in the past this has been handled administratively. Mr. Giles mentioned that all the area properties are non-conforming, but we still need to follow the regulations as written.

Ms. Pamela Leonard said the floor of the garage was laid in sections originally and is all shifted so much that she cannot park in her garage. It would be more expensive to repair the existing structure than to rebuild or reconstruct the entire garage.

Closed public hearing

Motion to: To approve an Area Variance to build an accessory building within the 10' side setback on 74 Lafayette St. Tax Map 107, Lot 95

Made by: Ms. Towle **Second:** Mr. Woodman **Vote:** Unanimous

1. Does the proposed use maintain the value of surrounding property? Unanimous
2. Would granting the variance be in accord with the public interest or, in other words, would granting the variance maintain the objectives of the zoning ordinance? Unanimous
3. Would denial of the variance result in unnecessary hardship to the applicant because:
 - a. There are special, unique conditions of the property itself that make it difficult or impossible to use applying the requirements of the zoning ordinance? Unanimous
 - b. The use sought by the applicant cannot be achieved by another method, other than through the granting of an area variance? Unanimous
4. Will granting the variance result in substantial justice? Unanimous
5. Is the use in accord and not contrary to the spirit and intent of the ordinance? Unanimous

Chair Hurd called a brief recess

- **(ZO2008-00013) 44 West Pleasant Street, Claremont, NH** – seeks a Special Exception from Sections 22-252 of the City Zoning Ordinance in order to run a Family Group Daycare out of the home. Tax Map: 131 Lot: 218, Zoning District: PR.

Abutters Roll Call

Mr. Giles advised that the applicant is requesting run a Family Group Daycare out of her home. The property is a single family home and the applicant is proposing to conduct a family group daycare home for up to 7-12 children. The applicant was previously awarded a child care license in 2005. This application is in accordance with many other child cares licenses up for renewal. Apparently in the past they did not receive special exception permits, although if you read the zoning regulations the applicant is required to apply for a special exception permit from the Zoning Board. The Special Exception is required only once and then the state issues a license every three years. This Special Exception runs with the property owner and not the property itself. Mr. Giles advised the site has a fenced in yard surrounding the property in the back. The building inspector has advised that the applicant had met the necessary requirements for a child care facility. There are 9 items of criteria and # 9 is relatively new, but is in accordance with State Law. There is a condition that the applicant obtains a state daycare license. Mr. Caouette asked if there was an existing facility providing childcare. Mr. Giles advised that they were issued a State license in 2005 although never implemented the child care facility. Mr. Woodman asked if they are required to sprinkler the building. Mr. Giles advised that the applicant will be required to follow all regulations for building and fire code.

Open public hearing

Mr. William Tibbits is representing his wife and advised the child care facility would be on the first floor only and the property has been looked at by the building and fire department. Mr. Tibbits advised that Ms. Tibbits was previously approved to run a child care facility although she never acted upon it and worked in the Upper Valley. Mr. Tibbits advised that they have a 5 year old and a 16 year old and his wife would like to stay home now. Mr Tibbits has been advised by the building & fire department that after 9 children they would need sprinklers. Chair Hurd asked if they were happy with a 9 child cap. Mr. Tibbits advised she has been approved for 9 which is 5 younger kids and 4 after school kids above age 7 or 8.

Mr. Caouette asked about parking and how cars would turn around. Mr. Tibbits said you could fit 7 or 8 cars in the driveway. Mr. Caouette advised that he is worried about how busy it gets in the morning. Mr. Tibbits said there is some on street parking as well. Chair Hurd advised there is also a walkway in the driveway and on the property, although not on the street. Chair Hurd said Mr. Minkler who is an abutter to the south contacted him and advised that he does not have any issues with the application. Mr. Hanson asked about the driveway access width. Chair Hurd advised the curb cut is wide enough to park two rows of cars side by side.

Closed public hearing

Motion to: Approve a Special Exception from the City ordinance in order to run a family group daycare out of the home with a restriction of a cap of 9 Children and maintain a NH state License for a daycare.

Made by: Chair Hurd **Second:** Mr. Woodman **Vote:** Unanimous

1. The specific site is an appropriate location for the proposed use – Unanimous
2. Will property values in the district be maintained by such a use? Unanimous
3. The proposed use will not result in any nuisance or unreasonable hazard? Unanimous
4. Will there be minimal traffic impact as a result from such a use? Unanimous
5. Are there adequate and appropriate facilities provided for the proper operation and maintenance of the proposed use, including water, sewer and parking? Unanimous
6. Will there be minimal impact on the view, light, and air of any abutter as a result of the proposed use? Unanimous
7. The proposed use will not place a disproportional burden on the city's \ operational services in comparison to the anticipated tax revenue associated with the property/use in question? Unanimous
8. The proposed use will not be detrimental to the public health, safety and general welfare? Unanimous
9. Will granting the special exception be in harmony with the general purpose and intent of the zoning ordinance? Unanimous

Asked for a Continuation due to number of applications on agenda:

- o **(ZO2008-00009) Alan Dexter, 1 First Street, Claremont, NH** – seeks a Use Variance from Sections 22-166 of the City Zoning Ordinance in order to complete renovation to an existing building into an auto service and sales building. Tax Map: 135, Lot: 16, Zoning District: RR.

Motion to: Continue on July 7th Meeting

Made by: Chair Hurd **Second:** Mr. Hanson **Vote:** Unanimous

VI. Other

- o Joint meeting with the Planning Board on June 9th to discuss the new Community Center

VII. Adjournment

Motion to: Adjourn

Made by: Mr. Hurd

Second: Ms Towle

Vote: Unanimous

Meeting adjourned at 8:27 p.m.

Respectfully Submitted,

Katrina Spaulding

Administrative Assistant