



Zoning Board of Adjustment Meeting
Monday, December 5, 2005, 7:00 PM
Council Chambers, City Hall, Claremont, NH

MINUTES
Approved at the 1/16/06 Meeting

Meeting called to order at 7:00 p.m. by Chairman, Michael Hurd.

I. Roll Call:

Present: Michael Hurd, Robert Woodman, Tracy Pope, Richard Dietz, Erwin Caplan,

Absent: Deborah Snelling, Donald Lavallette

Staff: Gerald Coogan, AICP, City Planner/Zoning Administrator, Katrina Spaulding, Admin. Assist.

II. Appointment of Alternates: Mr. Caplan was appointed for Ms. Snelling

III. Report of Secretary:

Motion: Accept the minutes of 11/7/05

Made by: Mr. Woodman **Second:** Mr. Dietz

Vote: Unanimous

IV. New Business and Related Public Hearing:

A. Joanne Eugene, 1 Bond Street, Claremont, NH – seeks Area Variances from Sections 22-229 (3) and 22-229 (4) of the City Zoning Ordinance in order to rebuild a garage on an existing foundation. Tax Map-132, Lot-10; Zoning District: R2.

- Mr. Woodman cites a similar situation near his home. Mr. Hurd presented that the building is not being changed, just reconstructed since the building is already torn down and has been for over a year.
- Mr. Coogan presented an e-mail from Attorney Jane Taylor to each board member regarding the legal aspects of this situation. The owner voluntarily removed the non-conforming building and it cannot be rebuilt with an area variance.
- Chair Hurd asked if the map that Attorney Taylor refers to in her e-mail is available. This GIS map is presented to the board members by Mr. Coogan and he informs the board that the GIS map is not to be confused with an actual property survey.
- Ms. Pope recalls a building on Washington St. that was being built last year and inquired about whether or not the structure was too close to the sidewalk. She was told that this was an existing lot and because of that, the building would be re-built “in-kind”.
- Ms. Pope states that there should be no question if the request is approved, the applicant will have proper documentation for the future.
- Mr. Woodman says that if a structure is re-built “in kind” within the 1 year time limit, that there should not be any question about rebuilding the requested garage.

Open Public Hearing:

- Abutters Roll Call - No abutters present
- Ms. Eugene, the applicant, presented that she has owned the home for 2 years, and that there was an existing standing garage. Southwestern Community Services (S.C.S.) determined that the building needed to be removed for safety purposes. She states that S.C.S. removed the former garage and told

her that she would be able to rebuild the structure without any further implications. The foundation is in tact, is 8" thick, and there are no cracks on the cement slab. At present, she simply wants to replace the structure as it was.

Close Public Hearing:

Motion: To grant the application with the condition that no new foundation be built on the existing footprint.

Made by: Mr. Dietz

Second: Ms. Pope

Vote: Unanimous

B. Susan Davis, 28 Myrtle Street, Claremont, NH— seeks an Area Variance from Section 22-231 of the City Zoning Ordinance in order to use a structure, previously approved as a tailor shop, as an efficiency apartment. Tax Map-119, Lot-305; Zoning District: R2.

- Mr. Hurd questions if the terminology is clear on what an efficiency apartment consists of. Mr. Coogan reads that an efficiency apartment as defined in the Claremont Zoning Ordinance shall mean a “dwelling unit with one living room with a kitchenette or separate kitchen and bathroom with no separate room allocated for bedroom use.”
- Mr. Coogan informed the board on how this situation came about. Public Service of NH would not connect Ms. Davis’ power without a building permit and Certificate of Occupancy. Upon review of the building permit, it was discovered that this was one lot of record with two existing residences; the tailor shop needs an area variance to be converted to a residential living space. The proposed uses are an intensification of the use of the land since the 10,000 square feet required for an additional dwelling is not available.
- Mr. Coogan distributed correspondence from Atty. Jane Taylor regarding this issue. Mr. Coogan mentioned that this was originally zoned for a Tailor shop in 1969.

Open Public Hearing:

- Abutters Roll Call - No abutters present
- Information was presented for the applicant by Attorney Anthony DiPadova from Buckley and Zopf. This property was purchased in August of 2004. This efficiency apartment already existed when she bought the property. The apartment was actually already occupied at the time. Atty. DiPadova stated that this is already in a multi-family use zone and that this use is fitting in the character of the neighborhood and meets the multi-family use criteria. Atty. DiPadova cites that the Way School property which is going to be condominiums and several other neighborhood properties that are already multi-family homes exist and that this would not affect the neighborhood adversely.
- Chair Hurd questioned how many bedrooms currently exist in the two existing apartments. Atty. DiPadova said the downstairs has one and the upstairs has two bedrooms. Chair Hurd states that 1 ½ parking spaces are required per bedroom or two parking spaces per unit. This makes for a total of 7 parking spaces required for this lot.
- Mr. Coogan noted the Planning Board approved the Way School site plan for residential condominium under the City’s recently enacted Condominium Ordinance # 459, which included a full review of all site issues including parking requirements.
- Ms. Pope questions plausibility of 7 parking spaces on property. Ms. Davis described how all cars were parked. Chair Hurd requests more information on the driveway logistics. Chair Hurd requests more specific layout of the dimensions of the driveway. Mr. Coogan states a driveway parking space should be 9’ x 19’.
- Chair Hurd questions Planning Board review for parking issues at a later date. Mr. Coogan responds that this application would likely go before the Planning Board for a Site Plan Review. Chair Hurd suggests that three units should not be confined to such a small lot. There needs to be at least 30,000 square feet in order to meet the zoning requirements. Ms. Davis then states that there are only 4 people living on the entire property. Mr. Hurd made reference to a survey/drawing of the driveway and square footage for parking spaces. This would be beneficial for the Planning Board in the future as well.

- Ms. Pope states that the applicant should come back with a drawing for the parking arrangement and thus provides the applicant an opportunity for continued review by the Zoning Board.
- Chair Hurd states that there are 7 required parking spaces for this particular multi-family situation. The two car garage cancels the two spaces that would be available in front of the garage. This proposes a shortage of parking spaces.
- Ms. Pope requests that the applicant return to the next meeting with a driveway plan to show where the potential lies for parking 7 cars.

Close Public Hearing:

Motion: To continue the application to January 16, 2006 meeting with parking plan.

Made by: Ms. Pope **Second:** Mr. Woodman

Vote: Unanimous

V. Other:

- A. Revised 2006 Meeting Calendar – January 16th meeting accepted by all Board Members
- B. Review/Select date for training session with City Solicitor – Series of several meetings on the changes and concerns that Board members may have. Clarify what applications should be accepted and reviewed by the Zoning Board of Adjustment. First meeting should be a list of what the members have for concerns. Open discussion for the Board members to present their questions. This meeting will be set for December 7, 2005 or Tuesday December 13, 2005 to meet with Attorney Jane Taylor.

VI. Adjournment

Motion: To Adjourn

Made by: Mr. Woodman **Second:** Ms. Pope

Vote: Unanimous

Meeting adjourned at 8:25 p.m.

Respectfully Submitted,

Katrina Spaulding
Recording Secretary