



**Zoning Board of Adjustment Meeting**  
Tuesday, September 5, 2006  
Council Chambers, City Hall at 7:00 p.m.

**Meeting Minutes**

Meeting Called to order at 7:00 pm by Chair Hurd

**I. Roll Call:**

**Present:** Tracy Pope, Chair Michael Hurd, Robert Woodman, Richard Dietz

**Absent:** Heather Bopp

**II. Report(s) of Secretary:**

- Monday, August 7, 2006 minutes

**Motion to:** Accept the meeting minutes of August 7, 2006 with an addition of why Nay was issued by Mr. Dietz

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

**III. New Business:**

- **Application submitted by Judy Nessett has been withdrawn**
- **Deborah Booth, 12 Paddy Hollow Road, Claremont, NH** – seeks Area Variance from Section 22-169 of the City Zoning Ordinance in order to construct a garage approximately 40 ft from Paddy Hollow Road. Tax Map: 57, Lot: 19, Zoning District: R-2.

Ms. Boothe advised that she is requesting a 10ft variance to construct a 28X32 garage. She advised that she needs this variance because there a nice tree that she would have to remove if she was required to be 50ft from the property line. She does not want to remove the tree because she feeds a lot of birds who use this tree and it is really a nice tree that adds to the aesthetics of the property.

Chair Hurd asked if she has figured out where her property line is exactly and if her property line has a curvature he just wants to make sure that at no time will she be less than 10ft from the boundary line. The application is only requesting permission for 10ft. Ms. Boothe advised that it appears she may have more than the 10ft frontage at the furthest part of the curvature and that 10ft would be the closest and that is all she is asking for.

Mr. Woodman inquired as to why she doesn't just put the garage in a different area. Ms. Boothe advised she has already done the site work and confirmed that this is a good place for

the garage, the area that Mr. Woodman was suggesting is her lawn and that is the only flat piece of land on her property and she does not want to ruin that area with a large building. She would rather have the buildings spread out. Ms. Boothe also advised she will be getting PSNH to put her electric under ground and she will be improving the property.

Mr. Woodman asked how close to the tree will the garage be. Ms. Boothe advised that she is not sure but it is about 15ft from the tree and the tree will be costly to remove and she really does not want to remove it. Chair Hurd advised that cost is not what goes into consideration for the board. Mr. Dietz asked what the diameter of the tree is. Ms. Boothe advised she is not sure what the diameter is but she cannot put her arms around the tree. Mr. Dietz advised that just because there is a tree in the way it does not mean you can go against the zoning laws.

Mr. Dietz asked if there is somewhere else where she could put the garage on her property. She doesn't believe she would meet setbacks if she put it anywhere else and if she does it will diminish the appearance of her property and she is trying to make it look nice. Ms. Boothe advised that aesthetics matter and she does not want to put it anywhere else.

Public hearing is closed

Ms. Pope asked Mr. Woodman if there are any other structures in the area that do not meet the 50ft set back. Mr. Woodman advised that there are at least 4 homes in the area that he can think of that are infringing upon that zoning although they were put in around the 1970's. Ms. Pope advised that because there are other properties that are closer to the road than 40ft and Ms. Boothe is trying to improve the area they should approve the application.

**Motion to:** Allow Ms. Boothe the 10ft variance as she is trying to improve her property

**Made by:** Ms. Pope

**Second:** Mr. Woodman

**Vote:** 3-1

**Vote:** Ms. Pope – Aye

Mr. Woodman – Aye

Mr. Hurd – Aye

Mr. Dietz – Nay, because it sets a bad precedence and is contrary to the spirit of the ordinance

- **Scott and April Dwyer, 118 Myrtle Street, Claremont, NH** – seeks a Special Exception from Section 22-207 b and Area Variance of 21ft in the rear and 3 ft on the side from Section 22-209 (3) and (9) of the City Zoning Ordinance in order to construct a new garage. Tax Map: 119, Lot: 28, Zoning District: R1.

Mike Furst representing Scott & April Dwyer advised that they are applying for a variance and special exception for their garage. The Dwyer's decided to rebuild their garage and as they were rebuilding it they found that there was a lot of rot in the existing garage and they needed to rebuild the entire garage. They attempted to obtain a building permit although at the time they tried to get the building permit the building inspector was on vacation. They

later spoke with The City Planner Mr. Coogan and they were advised they had to go in front of the board to get approval since they had completely torn down the garage. This property is a small two family home with a shared drive. The structure is on the back corner and the garage was rebuilt on the existing foundation. Due to the fact that when they started the renovation they found rot they had no choice but to tear it down and rebuild.

Mr. Hurd and Ms. Pope advised that if this is on the same foundation they do not believe they should have to appear in front of the board. Mr. Furst advised that there is no other place on the property that the garage could be built and the previous garage had been there for at least 50 years. Mr. Dietz advised that he does not know why they were requested to get a special exception as long as the garage was rebuilt on the existing foundation.

Mr. Woodman advised that since they have removed all 4 walls they need this special exception, if they had kept just one wall up they probably would not have had to apply for the exception.

Public hearing closed

**Motion to:** Grant the special exception as the structure is built on the exiting foot print of the original garage

**Made by:** Ms. Pope

**Second:** Mr. Dietz

**Vote:** Unanimous

#### **IV. Other**

Set up a site visit with Mr. St. Aubin and Mr. Coogan for a Saturday before the October 2<sup>nd</sup> Zoning Board of Adjustment meeting. Chair Hurd requested Michelle Aiken the Boards and Commissions Coordinator to confirm with Mr. St. Aubin that he is still pursuing this subdivision as it was submitted 6 months ago and was previously asked for a continuation for the October meeting.

#### **V. Adjournment**

**Motion to:** Adjourn

**Made by:** Mr. Woodman

**Second:** Ms. Pope

**Vote:** Unanimous

Meeting adjourned at 7:31 p.m.

Respectfully Submitted,

Michelle Aiken  
Boards and Commissions Coordinator