



Zoning Board of Adjustment Meeting  
Monday, May 7, 2018 7:00 PM  
City Hall Council Chambers

**MINUTES**  
**Approved 6/4/2018**

**Call to Order by the Chair**

Mr. Hurd called the meeting to order at 7:00 PM and asked for a roll call.

**I. Attendance/Roll Call**

**Present & Participating:** Richard Collins, Michael Hurd, Abigail Kier, Patrick Howe  
**Absent:** Carolyn Towle, James Petrin, Tracy Pope  
**City Staff:** Michael McCrory, City Planner

Mr. Hurd asked Mr. Howe to sit in for Mrs. Pope.

**II. Minutes of Previous Meeting April 2, 2018**

**Motion:** To accept

**Made by:** Mr. Howe **Second:** Mr. Collins

**Correction:** Change "Mr. Kier" to "Mrs. Kier"

**Vote:** Unanimous in favor

**III. Old Business**

There was no old business to discuss.

**IV. New Business**

- A. (ZO 2018-00003) Jeremy Blood, 43 Bible Hill Road** – Application for a variance from section 22-209 (R1 Yards) of the City Zoning Ordinance to permit construction of a 26 ft x 24 ft garage within the side setback at **43 Bible Hill Road**.

Mr. Hurd read the public notice and asked for an abutters' roll call. Mr. McCrory read the roll. Mr. Hurd noted that there were no abutters present.

**Planner's Report**

The applicant wants to replace his existing 20 ft. x 20 ft. garage with a 24 ft. x 26 ft. new one. It will require encroachment into the side yard setback and will be less than 10 feet from the property line. Section 22-209 of the Ordinance requires a 10-ft. side yard setback. A surveyor prepared a sketch of the lot and the position of the garage. It shows the garage may be as close as 3 ½ feet from the property boundary. The sketch was prepared by a surveyor but was not stamped by him. Features noted on the plan were field-located by the surveyor. To make a plan that could be stamped, additional expense would have been incurred which were deemed unnecessary for this project.

The separation distance between the house and garage will be addressed with building materials and will comply with current building codes.

The board had no further questions for Mr. McCrory.

### **Applicant's Presentation**

Mr. Hurd thanked Mr. Blood for such a well-prepared application.

The board had no questions for Mr. Blood.

Mr. Hurd read a letter from Don Guertin (abutter to the south of the subject property) stating that he had no objection to the proposed garage and encouraged the board to grant the variance.

There were no other comments. Mr. Hurd closed the public hearing.

**Motion:** *Approve the Application for a Variance from Section 22-209, Yards in the R1 Zoning District, to permit a garage within the side yard setback at 43 Bible Hill Road (Tax Map 143, Lot 177) with the following conditions of approval:*

- A. The proposed structure shall be constructed in accordance with the information provided by the applicant in the Application for a Variance for ZBA Case No. ZO 2018-00003 and testimony during the public hearing for said case.
- B. The garage shall be fully within the subject property at least 3.5 ft from the property boundary. The owner is solely responsible for ensuring this condition is met.
- C. The applicant shall obtain and receive all necessary permits and approvals as determined by the Local, State and Federal governments. No work is permitted to commence until such permits, or appropriate statements of compliance with Local, State and Federal regulations, are submitted and approved by the Planning and Development Department.
- D. This variance shall be recorded in the chain of title.

**Made by:** Mrs. Kier    **Second:** Mr. Howe

### **Discussion:**

Mr. Hurd said a bigger structure is necessary to park today's vehicles. He said the applicant is keeping the new garage within a foot of the taper of the existing garage. The first twenty feet are within the same footprint. The back six feet of the new garage are directly in line with the back line of the existing garage. The new garage is a lot better than a falling-down garage. There were no neighbors at the hearing.

Mr. Collins said it won't devalue the property.

Mr. Hurd said it's within the spirit of the ordinance because the board was doing it the right way. We're not putting an oversize building right on the property line. We are continuing with a footprint that's already there.

Mrs. Kier said the proposed garage is a new standard size. It's doing substantial justice to the homeowner and the area. Values can only go up from this. It's not an unreasonable request as it is the standard.

**Vote on the motion:** Unanimous in favor

## V. Communications

### A. Request for Extension

Mr. McCrory read a letter from Wayne McCutcheon requesting an extension of his variance #ZO2016-00006 for another year. Mr. McCrory asked the board to schedule time on the next agenda to consider this extension. He acknowledged that there is no statutory prescription for this process.

Mrs. Kier felt the board should schedule time for this at the next meeting because the board has made it clear in the past that they would not accept anything the night of a meeting. Since this request was not in the board's packet for this meeting and wasn't on the agenda, it should be put on the agenda for the next meeting to be consistent with the board's procedures.

Mr. McCrory said the rules of procedure give the board the option of accepting information if they so choose. They could handle this either way.

The consensus of the board was that if a second extension was needed, Mr. McCutcheon would need to come back before the board to present his case.

**Motion:** To grant Wayne a 1-year extension; that if it's not done in a year, he has to come back.

**Made by:** Mr. Hurd      **Second:** Mr. Howe

**Vote:** Unanimous in favor

### B. Letter of Support

Mr. McCrory asked the board to sign a letter of support for a Municipal Technical Assistance Grant application he is writing. The grant would enable the department to engage a consultant to review current ordinances with regard to housing and make recommendations for amendments. The board was in favor of supporting the application.

**Motion:** To approve the letter as written.

**Made by:** Mrs. Kier      **Second:** Mr. Hurd

**Vote:** Unanimous in favor

## VI. Other Business

### A. Board Training

Mr. McCrory said NHMA will be providing a training session specifically for the zoning board at the June meeting. It will be a 2-hour session.

## VII. Adjournment

**Motion:** To adjourn the meeting

**Made by:** Mr. Hurd      **Second:** Mrs. Kier

**Vote:** Unanimous in favor

The meeting adjourned at 7:35 PM.

**Respectfully submitted,**

*deForest Bearse*