

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
APPROVED MINUTES
Public Hearing
September 1, 2016**

I. CALL TO ORDER

Vice Chairman Timothy Morgan opened the meeting at 6:18 p.m.

The following members were present: John Dever III, Code Enforcement Officer; Timothy Morgan, Vice Chair; Paul LaRochelle, Member, and Lou LaCourse, Member.

Absent: Paul Monziona, Chair; and Steve Miller, Member;

II. APPOINTMENT OF ALTERNATES

There were no alternates to be appointed.

III. STATEMENT OF THE APPEAL PROCESS

The purpose of this hearing is to allow anyone concerned with an Appeal to the Board of Adjustment to present evidence for or against the Appeal. This evidence may be in the form of an opinion rather than an established fact, however, it should support the grounds which the Board must consider when making a determination. The purpose of the hearing is not to gauge the sentiment of the public or to hear personal reasons why individuals are for or against an appeal but all facts and opinions based on reasonable assumptions will be considered. In the case of an appeal for a variance, the Board must determine facts bearing upon the five criteria as set forth in the State's Statutes. For a special exception, the Board must ascertain whether each of the standards set forth in the Zoning Ordinance has been or will be met.

IV. APPROVAL OF THE AGENDA

J. Dever reported that application Z16-21 had cancelled, and there would only be one application tonight, Z16-20.

L. LaCourse motioned to approve the agenda as amended. Second by P. LaRochelle.

Motion passed by a vote of 3-0-0.

V. NEW APPLICATIONS

Z16-20 James J. Hayes, Jr. and Lisa Hayes	Map 38; Lot 50	Variance 23 Richardson Drive
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T. Morgan stated that there were only three members of the board present, and that there were no alternates. He asked the applicants if they wished to file a continuance, noting there would be no cost because of the two absent members and no alternate member. The applicant declined the opportunity for a continuance.

Thomas W. Varney, PE, agent for James J. Hayes, Jr., and Lisa Hayes, is requesting a Variance from Article 300, Section 300, Section 327A.3, of the Zoning Ordinance to permit a garage to be built three feet (3') from each property side line. The property is located in the Lakeshore Residential Zone.

P. LaRochelle motioned to accept the application as complete. Second by L. LaCourse. The motion passed by a vote of three. (3-0-0.)

Thomas W. Varney, PE introduced himself and his client, James and Lisa Hayes. He stated that this proposal is to demolish an existing garage that encroaches onto the neighbor's property and construct a new garage that will be entirely on the Hayes' lot, but will encroach into both side setback areas because the lot is only thirty-four feet wide at that point.

T. Morgan asked T. Varney why he had not filed for a Special Exception. There was a brief discussion about the application and J. Dever stated that for the proposed garage, it was felt that a Variance was the most appropriate type of request.

There is more than ample distance to the Route 11 (right of way), and Lake Winnepesaukee (shorefront) setbacks. The new garage will be three feet from each property line. The property is one-quarter of an acre, and is non-confirming. There is limited building area due to the configuration of the property. The proposed garage is a more typical size and is consistent with residential use in town. T. Varney stated that the zoning setbacks are overly restrictive on a thirty-three foot wide lot.

T. Morgan opened the floor to public input. There was no one to speak for the application or to speak against the application.

T. Morgan moved the board on to the worksheet.

L. LaCourse stated that the variance will be contrary to the public interest because it will be too close to property lines, which he felt increased the non-conformity of the structure, and that it would be two floors which is not typical. P. LaRochelle did not agree with L. LaCourse. T. Morgan did not agree with L. LaCourse.

P. LaRochelle stated that the request is in the harmony with the spirit of the Zoning Ordinance, the intent of the Master Plan, because the proposed garage would be an improvement on the existing garage. T. Morgan agreed with P. LaRochelle, but felt that the building should be less encroaching. L. LaCourse disagreed with P. LaRochelle, and stated that the maximizing of square footage is not the intent of the Master Plan.

T. Morgan stated that by granting the Variance, that substantial justice will be done. L. LaCourse disagreed with T. Morgan and felt that substantial justice would not be done. P. LaRochelle stated that he agreed with T. Morgan and felt that substantial justice will be done by granting the Variance.

L. LaCourse stated that the request will diminish the value of surrounding properties. P. LaRochelle and T. Morgan disagreed with L. LaCourse, and felt the Variance would not diminish the value of surrounding properties.

P. LaRochelle stated that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property and that the proposed use is a reasonable one. T. Morgan agreed with P. LaRochelle and noted that the configuration of the lot, because it is long and narrow, creates a hardship. L. LaCourse disagreed with P. LaRochelle and T. Morgan, and felt that this did not create an unnecessary hardship.

T. Morgan stated that the criteria in sub-paragraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance and a variance is therefore necessary to enable a reasonable use because of the long and narrow configuration of the property. L. LaCourse stated he disagreed with T. Morgan, for all of the aforementioned reasons. P. LaRochelle agreed with T. Morgan.

P. LaRochelle motioned to approve application Z16-20, for a Variance. Second by T. Morgan. The motion failed. (2-1-0).

VI. PREVIOUS BUSINESS

There was no previous business.

VII. NEW BUSINESS

J. Dever briefly spoke about the videotaping of the meetings. It was felt that the whole board should discuss the recording, and this would be a future agenda item.

VII. MEETING MINUTES

The board discussed the minutes of June 2, 2016 and made two grammatical changes, one on page eight, and one on page four.

L. LaCourse motioned to approve the amended meeting minutes of June 2, 2016. Second by P. LaRochelle. Motion passed by a vote of three. (3-0-0.)

The board reviewed the corrections that had been made to the meeting minutes of July 7, 2016, and felt there were no further corrections.

P. LaRochelle motioned to approve the meeting minutes of July 7, 2016. Second by T. Morgan. Motion passed by a vote of two, with one abstention (L. LaCourse.) (2-0-1.)

J. Dever reported that the recording of the August 4, 2016 meeting was unsuccessful and requested the members of the board to review the minutes for accuracy. He asked them to email their changes to his administrative assistant. The approval of the minutes will be on the October agenda.

L. LaCourse motioned to table the meeting minutes of August 4, 2016, pending revisions and corrections to the minutes, which would be submitted by the members of the ZBA. Second by P. LaRochelle. Motion passed by a vote of three. (3-0-0.) There was no correspondence.

VI. ADJOURNMENT

L. LaCourse motioned to adjourn. Second by P. LaRochelle. Motion passed. (3-0-0). Meeting adjourned at 7:03 p.m.

Respectfully Submitted,

Krista Argiropolis
Recording Secretary

Minutes approved as amended: May 4, 2017