

TOWN OF CHESTERFIELD, NH
ZONING BOARD OF ADJUSTMENT
SITE VISIT
September 16, 2006

Present: Chairman Burt Riendeau, Andy Cay, John Perkowski and Alternates Tony Souza, Jim Larkin, Renee Fales and Lucky Evans. The meeting was called to order at 8:00 am on Saturday, September 16, 2006.

The Board was present on site to hear the continuance of the following applications:

1. Frederick Jr & Carol Turner request a Variance from Article 203.4 Section C, Coverage, to permit the replacement of existing garage with a larger garage to include connection to the main house. The property is located on 159 North Shore Rd, Spofford (Map 5D Lot A19) Residential/Spofford Lake District.

The Board walked the property. The voting members on this application will be Riendeau, Cay, Souza, Fales and Evans.

Larkin was present representing the Turners. He presented an amended plot plan showing the garage would be approximately 23.5 ft from the side property line at its closest point. He advised that the 2nd story of the garage would have a 2-dormer sitting room with heat but no bathroom. He submitted elevations depicting the proposed design. The increase in lot coverage for structures goes from 10.2% to 13.9%. The height of the proposed 21 x 26 ft garage is 20 ft 8 in.

Susan Post, abutter, was present. She advised that her concern had been the drainage. Larkin advised that with Post's permission the drainage would be improved to channel the water to the streambed in the rear of the property. Post stated that this would improve the drainage issues.

Cay stated that the house is 35 ft from the front property line. The existing house had replaced a single story camp built at the natural ground level. When the house was built the house was elevated because of the raised septic system. He advised it was the Taylor's choice to approve the elevation height. Cay stated the Taylors could replace this garage and the size staked out is not unreasonable except for the elevation. The access to the house difficulties was clearly created by the owner.

Evans stated that the proposal could effectively fix the drainage problems. Cay stated the drainage is separate and distinct from the proposed garage and could be managed apart from the proposed building. The house and septic were built above grade and were not built as it had been represented. Cay stated this is a classic Spofford Lake creep property.

This application is reviewed under the Boccia analysis looking at the hardship criteria:

- The special conditions of the property make an area variance necessary in order to allow the development as designed; and
- The same benefit cannot be achieved by some other reasonable feasible method that would not impose an undue financial burden.

This property's history is a self-inflicted problem with the elevation change. Larkin stated that the Turners need direction. Perkowski stated the height of the house was due to the raised septic. Fales asked if gutters would be put around the whole house. Larkin stated he would recommend that to the Taylors.

The Board discussed the expansion of living space with the sitting room area, having a 2-car garage without being connected or change to a single garage. Could the connection between the house and the garage be achieved another way? Larkin advised they want to store their boat in the garage and one car and also have the access from the garage to the house under cover.

Cay stated that if you are going to rebuild the garage that is the way to do it, there is no sense raising the elevation of the garage to the house. If you are concerned with covered access to the house this is not a bad way to get at the solution of covered entry into the house. Cay stated because of the coverage issue, the Taylors have not sought to minimize the non-conformity. Adding a 2-car garage with a second story isn't minimizing the coverage issue. A design that was smaller, not necessarily to a single car garage but maybe a 12 ft wide single door and reduce the size of the garage so that you'd have a garage and a half and not put dormers but still do the connector at the back. That might be a more modest approach to the proposal.

Cay moved to deny the application as presented because it doesn't properly seek to minimize the non-conformity. The Board recognizes the desire for a garage and respects that and the desire for a covered entry and we respect that. We do footnote for the file that it was the applicant's decision to place the house 6 to 7 ft up in the air higher than the natural grade elevation, which has caused the entry problem. We encourage the applicant to come back with a different design that achieves the objective but minimizes the non-conformity.

Criteria for approval:

- A. Denial of the variance would result in unnecessary hardship for the property owner seeking it. Boccia analysis for hardship:
 - *The special conditions of the property make an area variance necessary in order to allow the development as designed. Yes**
- And;*
- *The same benefit cannot be achieved by some other reasonable feasible method that would not impose an undue financial burden. No*
- B. The granting of the variance would not be contrary to the spirit and intent of the ordinance. No*
- C. The variance is in the public interest. No*
- D. Denial of the variance would result in injustice. No*
- E. The variance will not diminish the values of surrounding properties. No*

Fales seconded the motion, which carried unanimously.

Cay left the meeting. The Board moved to the Ells' site at 8:45 am.

2. William & Sarah Ells request a Variance from Articles 204.5 Section A and 503.1 Expansion of Non-Conforming Building to permit the house within the front setback. Existing house will be removed and the proposed house improves the setback non-conformity. The property is located at 199 Westmoreland Rd, Spofford (Map 6 Lot A30) Rural/Agricultural District.

The voting members for this application are Riendeau, Perkowski, Souza, Evans and Larkin.

Norm Henry, contractor and Phil Alther, builder, were present with Mr. & Mrs. Ells. Henry advised that the proposed house would be 22 ft from natural grade to the peak. The existing house is 17 ft to the peak. The existing house is 10 ft 3 in from the front property line and the proposal would be approximately 26.5 ft minimum from the front property line.

Riendeau noted that a variance is required from Article 503.1, Expansion of Non-Conforming buildings even though the existing structure is to be removed and replaced. Riendeau read the ordinance. The living space is to be expanded but the footprint is to be decreased.

Evans stated it meets the spirit of the ordinance by improving the setback and having a smaller footprint decreasing it by 800 sq ft. It was noted that there is a significant water issue and Henry advised they plan to divert the water to the gully. He will install drainage pipes in and outside of the footings.

Henry advised there are significant life safety code issues with the house and the driveway. The plan is to have a turnaround to enable exiting the property without having to back onto Westmoreland Rd.

The proposal is for a 28 x 48 raised ranch. There would be a garage under entering the house by the north side of the house at grade level. This lower level would also contain the utilities. Evans sees this as a reasonable trade off allowing more living space but a smaller footprint further back from the road.

Norman advised that the rear of the house would go back further toward the bank of the hill than the existing house. Riendeau stated that he wanted it to be clear what the house will look like with the elevations.

It was noted that the actual living space is 844 sq ft going to 1,344.

Riendeau moved to grant the application. The Board points out that Article 503.1 for expansion was considered with the 5 points of the variance under the Boccia analysis. The Board finds that the applicant has tried hard to make the proposal conform to the ordinance more so than the existing structure as they are eliminating 800 sq ft of non-conforming building. The Board grants the expansion of living space from 844 sq ft to 1,344 sq ft. It is a classic example of hardship in the property with the rear of the structure backed up to a hill and doesn't make sense to require them to go further back into the hill.

Criteria for approval:

- A. *Denial of the variance would result in unnecessary hardship for the property owner seeking it. Boccia analysis for hardship:*
 - *The special conditions of the property make an area variance necessary in order to allow the development as designed. Yes*
- And;
- *The same benefit cannot be achieved by some other reasonable feasible method that would not impose an undue financial burden. Yes*
- B. *The granting of the variance would not be contrary to the spirit and intent of the ordinance. Yes*
- C. *The variance is in the public interest. Yes*
- D. *Denial of the variance would result in injustice. Yes*
- E. *The variance will not diminish the values of surrounding properties. Yes*

Perkowski seconded the motion, which carried unanimously.

The meeting adjourned at 9:30.

Respectfully submitted,

Carol Ross
Secretary

Approved:

Burton Riendeau
Chairman
Zoning Board of Adjustment

Date: _____