

ZONING BOARD OF ADJUSTMENT

Wednesday, July 26, 2006
Belmont Corner Meeting House
Belmont, NH 03220

Members Present: L. Couture, P. Oberhausen
Members Absent: Chairman J. Olmstead (E); Members P. Harris (E) and N. Patten (E).
Alternates Present: E. Hawkins and J. Bennett
Staff: C. Daigle

Acting Chairman P. Oberhausen opened the meeting at 7pm and appointed E. Hawkins and J. Bennett as voting members for the evening.

ABUTTERS HEARING – FREDERICK & CLAUDETTE BREZINSKI: Request for:

- A Special Exception of Article 10.A.3.d. of the Zoning Ordinance to construct an addition closer (33.04') to the front property line than allowed (50') but not closer than the existing structure; and
- A Variance of Article 5 Table 2 of the Zoning Ordinance to construct an addition closer (18.73') to the north side property line than allowed (25').

Property is located at 28 Morgan Road in an "R" Zone, Tax Lot 239-068, ZBA #1106 & 1206.

C. Daigle noted that the applicant was not able to provide the requested information by the closing date for this meeting and have asked that the public hearing be tabled to the next meeting.

BOARD ACTION – FREDERICK & CLAUDETTE BREZINSKI:

MOTION: On a motion by E. Hawkins seconded by L. Couture it was voted unanimously to table the public hearing to August 30, 2006, at 7pm. (4-0)

ABUTTERS HEARING – ISAAC & DONNA CHASE: Request for a Special Exception of Article 5 Table 2 of the Zoning Ordinance to construct a catwalk (35.3') to the front property line than allowed (50') but not closer than the existing building. Property is located at 689 Union Road in an "RS" Zone, Tax Lot 222-052, ZBA #1906.

Mrs. Chase was present for the application. P. Oberhausen explained that there is a short board, the applicant has the option of going with a short board or tabling until the next meeting, and the fact that it is a short board is not a basis for rehearing if the applicant chooses to proceed and then wishes to appeal the action of the Board. Mrs. Chase asked to proceed.

Mrs. Chase asked why she needed relief when the house is already nonconforming and why the building inspector did not visit the house to make a zoning determination. E. Hawkins noted that the fact the house is preexisting nonconforming is acknowledged in the Ordinance by allowing additions by Special Exception instead of a Variance. C. Daigle noted that the building inspector is not the zoning administrator in Belmont. The zoning administrator is required to render a decision on whether or not a proposal complies with the zoning ordinance and that is what occurred here. Mrs. Chase said she can have two 4' entryways and stairs, but she can't have a connecting deck. She felt that staff should have been able to approve the deck. Chairman Oberhausen noted that the Ordinance requires that she obtain a special exception for the proposed deck, staff could not have approved it. E. Hawkins explained that one of the outcomes of having zoning is that it does impose hardships by its very nature. That is why there is a relief mechanism through the ZBA.

Mrs. Chase had no comments related to the merits of the special exception application. There were no abutters present, and there being no further question or comment the chairman closed the public hearing.

BOARD ACTION – ISAAC & DONNA CHASE:

MOTION: E. Hawkins moved to grant the Special Exception of Article 5 Table 2 of the Zoning Ordinance to construct a catwalk closer (35.3') to the front property line than allowed (50') but not closer than the existing building on the following basis:

- a. The Ordinance specifically allows the use when a Special Exception is granted.
- b. The specific site is appropriate for the use.
- c. No factual evidence is found that property values in the district will be reduced.
- d. There is no valid objection from abutters based on fact.
- e. No nuisance or hazard is involved.
- f. Adequate and appropriate facilities will be provided as no additional bedrooms or kitchens are being proposed.
- g. There is adequate sewage disposal.
- h. Structures must otherwise meet all dimensional requirements of the Ordinance.

The following condition was applied:

- a. No structures or additions that do not meet setback, except for those approved herein are allowed.

The motion was seconded by J. Bennett and carried unanimously. (4-0)

OTHER BUSINESS:

1. Minutes:

MOTION: On a motion by L. Couture, seconded by E. Hawkins it was voted unanimously to accept the minutes of the June 28, 2006, meeting as written. (4-0)

2. August Meeting:

C. Daigle reminded the members that the August meeting will be on August 30th, not August 23rd to facilitate staff's attendance at Safety Day.

3. **Work Shops:**

The members received notices of the upcoming fall OEP planning and zoning conference and the LGC Law Lecture Series.

4. **Adjournment:**

MOTION: On a motion by P. Oberhausen seconded by E. Hawkins it was voted unanimously to adjourn at 7:10pm. (4-0)

Respectfully submitted,

Candace L. Daigle, Town Planner