

Minutes of the Antrim Board of Adjustment Meeting March 7, 1989

Present: Howard Humphrey, Sr., Alternate; Everett Chamberlain, Alternate; Marianne Moery; Tom Curran; Patricia Hammond-Grant, Clerk; Mary Allen, Chairman.

The Chairman opened the meeting and immediately announced that Case#134, a request for a Variance by Kevin Ricupero, had been postponed to a date to be announced.

Case #135, a request by Donna Schofield, Pleasant Street, Antrim for a Variance concerning Article VI Section C.1.a and Article VI, Section C.3.b.(1) of the zoning ordinance. The Applicant proposes to construct a Modular home on a lot less than the 20,000 required square foot area, with less than the required 100 foot frontage and less than the 20 foot side yard requirement. Property is located in the residential district. The Chairman read the procedure for a public hearing and introduced the Board sitting for this hearing: Howard Humphrey, Sr., Marianne Moery, Tom Curran, Patricia Hammond-Grant, and Mary Allen. The Clerk read the Application notice has been published in the Messenger Outlook and Certified letters sent to abutters all receipts returned. The Chairman read the Articles in questions and explained the procedure for granting a Variance. The Applicant Donna Schofield, represented by Ken Boucher, Canadian Homes Importers, Inc., presented her case. Mr. Boucher showed the Board a map of the lot in question and the plans for the Modular he proposes to locate on this property. He also showed a copy of the deed describing the property. The Chair observed that this is a pre-existing non-conforming lot on which an 8 x 40 foot mobile home is located. There is town water and sewer. If the proposed unit is placed on the lot there will be a setback of 2 feet 11 inches on each side and adequate setbacks in the front and rear. Mr. Boucher addressed the five criteria for granting a variance. 1. Diminution of value to surrounding properties. Mr. Boucher stated that the alternative is to refurbish the existing trailer and that in his opinion a new modular would improve the property. 2. Public Interest. Mr. Boucher stated that the present building was hazardous and the project would improve conditions. This is a single woman whose income does not preclude buying another piece of property. This would increase values as it would be a new single family dwelling. Bob Bryer, an abutter, stated that he would be in favor of the project but from the housing point of view he felt the size of the building would not look normal. Boucher argued that it would look better than what is presently on the property. Bryer stated that the modular was a good idea but it was not right for this property, there is not enough land. Bryer stated that this would be inappropriate for the area. Mary Allen, Chairman, asked Bryer if he believed that it would reduce the value of his property. Bryer answered no. Board Member, Howard Humphrey, Sr., stated that this has been a house lot for a long time. Marianne Moery, asked about the driveway. The answer being that there is one in existence and it will be improved. Tom Curran asked about plans for the basement. These have been provided. Mary Allen asked about how this will be placed on the lot. Bob Bryer complained about various vehicles parking on his land and reiterated that he felt that this is an inadequate building lot. After further comments about the inadequacies of this lot the discussion was closed.

Deliberations Case #135, Donna Schofield

Mary Allen outlined the Board's procedure for deliberations. The Board being: Howard Humphrey, Sr., Marianne Moery, Tom Curran, Patricia Hammond-Grant, Mary Allen. Chairman, Mary Allen, outlined the case and the Board addressed the five criteria for granting a variance. 1. Diminution of surrounding property, The consensus of the Board was that this would be an improvement. It would not look like a house but it would be an improvement. Public Interest, Tom Curran was of the opinion that it would upgrade the property and improve appearances. Mary Allen observed that this could be considered because of the availability of Town water and sewer. After further observations it was determined that this was in the public interest. Unnecessary Hardship was next addressed. If this cannot be accomplished what can be done. It was observed by the members of the Board that this is a pre-existing non-conforming lot and this is a solution. The consensus of the Board was that granting this variance will result in substantial justice being done. The Board then addressed Spirit and Intent of the Ordinance. This is a single family home factory built wood frame and not a trailer. The consensus of the Board being that it is not contrary to the spirit and intent of the ordinance. The Chair observed that if this is denied that it would be as close as you can get to a taking. Howard Humphrey, Sr. moved to grant variances to Article VI, Section C.1.a and Article VI, Section C.3.b.(1) allowing a single family modular home to replace an existing trailer on a sub-standard lot. The Board finds that all five conditions for granting a variance are met. Second Marianne Moery. The Vote: Patricia Hammond-Grant, yes; Tom Curran, yes; Howard Humphrey, Sr., yes; Marianne Moery, yes; Mary Allen, yes.

Robert Bryer made a statement to the effect that he does not want to hurt people but he feels that this decision is wrong. He could go along with a trailer but he is very much opposed to this proposal. The Board of Adjustment has shocked him and he cannot believe that this is being done.

The Chair observed that there is nothing in the ordinance to prevent this sort of situation. She stated that she understood his concern but the Board is bound by the Zoning Ordinance and the State of N.H. criteria. Mr. Bryer argued at length about the Board's decision.

The Chair raised some procedural questions. She announced that Chairman of the Planning Board had asked her to write a letter supporting the zoning ordinance which she has done. She, Mary Allen, also asked the Board about liason between the two Boards, and asked if one member of the Board of Adjustment would attend the first workshop meeting of the Planning Board each month in order to further communication between the two Boards. Marianne Moery will attend the first meeting in April, Tom Curran will take May.

Respectfully submitted,

Barbara L. Elia