

Minutes of the Antrim Zoning Board of Adjustment June 9, 1992

Present: Helene Newbold, Chairman; Robert Bryer; Paul Matthes; Linda Lester. Boyd Quackenbush arrived after the Board had adjourned for a site review.

The Chairman opened the meeting at 7:00 P.M. and introduced the Board: Robert Bryer; Paul Matthes; Linda Lester and Helene Newbold, Chair. Chairman Newbold outlined the procedure for the public hearing.

Susan A. Valday: Public Hearing for a Variance to Article VIII, Section C.l.c. of the Antrim Zoning Ordinance. The Applicant proposes to build a porch that will extend into the setback area at the front of her property at Jackman Shores in the Lakefront Residential District (Tax Map #8C Lot 1033). Present for the Applicant were: Susan Valday, the Applicant; Joseph O'Keefe and Christine O'Keefe, abutters. The secretary read the Application and reported that, Susan Valday had originally asked that the Board permit a setback of less than fifty feet from the edge of the high water mark on the lake. This was in error as what she required was a variance to the setback requirements from the road and as a result of a telephone conversation May 21, 1992, Susan Valday authorized Secretary Barbara Elia to change the Application to reflect this. Notices were mailed to abutters by certified mail, all receipts returned. Notice was also published in the Peterborough Transcript and there was no correspondence. The Chairman read the Article in question. The Applicant presented her proposal which is to enlarge her deck area to accommodate a foundation large enough to house a hot water boiler and oil tank. It was established that at the present time the building is on a foundation (crawl space) and is approximately twenty eight (28) years old. After some discussion Linda Lester moved that the Board adjourn to view the site and return to the Town Hall to continue the hearing by 8:00 P.M. Boyd Quackenbush arrived after the Board had adjourned for the site review.

The Chairman reopened the public hearing at 7:50 P.M. and read the five criteria, which the Applicant must address to receive a Variance. Joseph O'Keefe expressed the view that almost all the properties in the area have less than the fifty feet (50') setback required by the present Zoning Ordinance and made the point that this will not impose on any property's view of the lake. Susan Valday also made the point that the proposed porch will not obstruct anyone's view of the lake and that this would not affect the value of surrounding properties. Linda Lester made the point that it would benefit the public interest by upgrading the property. The Board could find no hardship inherent in the land. Susan Valday commented that the porch is in bad repair and must be replaced and in the process she would like to make it larger. The Chair Closed the Public session and summarized the procedure.

Deliberations: Linda Lester expressed the opinion that the Applicant is trying to expand and if the Board were to grant this Variance it would make the situation worse. The area setbacks aren't within the fifty feet but complied with the existing Ordinance when built. In Lester's view there are other options which would comply with the Ordinance. The Board discussed the criteria for granting a variance and came to these conclusions:

1. No diminution of value to surrounding properties: Linda Lester, yes; Paul Matthes, no; Helene Newbold, yes; Robert Bryer, no.

2. To permit it would be in the public interest: After discussion the point was made that the reason for the setback requirement were to provide for the public safety by allowing an area should it be necessary to widen the road or for vehicles such as fire trucks to pass in this area. The vote: Linda Lester, no; Paul Matthes, no; Robert Bryer, no; Helene Newbold, no.

3. Hardship: the point was made that there is no hardship in the land and that the proposal could be placed elsewhere on the property. The vote: Linda Lester, no; Paul Matthes, no; Robert Bryer, no; Helene Newbold, no.

4. Substantial justice: There was much discussion at which time the point was made that the loss creates no gain to the general public. The vote: Linda Lester, no; Paul Matthes, no; Robert Bryer, no; Helene Newbold, no.

5. Spirit and Intent of the Ordinance: The vote; Linda Lester, no; Paul Matthes, no; Robert Bryer, no; Helene Newbold, no.

Paul Matthes moved that the Antrim Zoning Board of Adjustment deny the Variance to Article VIII, Section C.l.c. of the Antrim Zoning Ordinance requested by Susan A. Valday to extend her porch further into the fifty (50) foot setback to the right-of-way of the road at Mountain View Road Tax map #8C Lot 1033. The Board finds that the property did not meet the five criteria for a Variance and so was denied. Second Robert Bryer. The vote: Linda Lester, yes; Paul Matthes, yes; Robert Bryer, yes; Helene Newbold, yes. So moved unanimously.

The Chair advised the Applicant of her right to appeal. Meeting adjourned at 8:45 P.M.

Respectfully submitted,
Barbara Elia, Secretary