

Minutes of the Antrim Zoning Board of Adjustment meeting January 26, 1993

Present: Helene Newbold, Chairman; Boyd Quackenbush; Linda Lester; Robert Bryer; Richard Winslow, Alternate sitting for Paul Matthes and Barbara Elia, non-voting Secretary.

The Chairman opened the meeting at 7:30 P.M. and introduced the Board as noted above.

Hugh Robinson: Public hearing concerning a Variance to Article VIII, Section C.1.c. and d. The Applicant proposed to build a deck within the waterfront and sideline setbacks in the Lakefront Residential District, tax map 5 lot 377.

Joe Perez of Hillsborough presented signed authorization from Hugh Robinson to act on his behalf in this matter. The Secretary read the Application and reported that it was advertised in the Peterborough Transcript January 14, 1993 and notices mailed to the applicant and abutters by certified mail, all receipts returned. The Chair outlined the procedure to be followed for a public hearing and the applicant's rights in the matter of a rehearing should he desire one. Chairman Newbold read the Article in question. Mr. Perez presented the proposal which is for a six foot by eleven foot deck which will be ten feet from the side property line. It was established that the building sits forty-four feet from the water now, and the addition of the deck will make the distance from the water thirty-eight feet. The building has a walkout basement on the water side. The deck will be off the first floor and be approximately ten feet above the ground. Linda Lester expressed concern for the use of material that might contaminate the environment as supports for the deck. Richard Winslow asked about impact on surrounding properties. It was established that there are buildings in this area located closer to the water. Perez addressed the five criteria for granting a Variance.

1. There will will be no diminution of surrounding property as this is a use which blends in with the surrounding properties.
2. The matter of public interest does not apply in this case.
3. There is a hardship for the size of the lot and the applicant would like to enjoy a view of the lake.
4. Substantial justice would be done as the lot was established prior to zoning.
5. The use is not contrary to the spirit and intent of the Ordinance as this is the Lakefront Residential District on of the purposes of which to to provide housing and recreational opportunities for seasonal uses.

The Chair asked if there was more discussion, hearing none closed the public portion of the hearing and went into deliberations.

Deliberations: The Chair asked for comments from the Board and as there were no further comments addressed the five criteria for granting a Variance.

1. Diminution of property - The Board unanimously agreed that there would be no diminution of surrounding property if this Variance were granted.
2. Public interest - The Board unanimously agreed that this does not apply in this instance.
3. Hardship - The Board unanimously agreed that the hardship is in the fact that these small lots were established before zoning.
4. Substantial justice - The Board unanimously agreed.
5. Contrary to the Spirit of the Ordinance - The Board unanimously agreed as a deck is an accepted use in a Lakefront Residential District.

Helene Newbold moved to grant the Variance from the terms of Article VIII, Section C.l.c.&d. of the Antrim Zoning Ordinance to build a deck six feet by eleven feet on the rear of the house located on Gregg Lake Road, tax map 5 lot 377 in the Lakefront Residential District. The Board finds that: The applicant meets the five criteria to grant this Variance. Second Robert Bryer. The vote: Richard Winslow, yes; Robert Bryer, yes; Boyd Quackenbush, yes; Linda Lester, yes; Helene Newbold, yes. So moved unanimously.

The Board discussed the situation at the Clarke property on Smith Road in depth. Reference was made to the letter sent to the Selectmen in regard to this matter, to which no answer has been received. This matter was discussed at length with the suggestion made that the Certificate of Occupancy be withheld until the trailers are removed from the property. The Board decided to request to meet with the Selectmen as a body on February 8, 1993 at 7:00 P.M.

Meeting adjourned at 8:45 P.M.

Respectfully submitted,
Barbara Elia, Secretary