

Minutes of the Antrim Board of Adjustment Meeting June 19, 1990

Present: Thomas Curran, Chairman; Joseph Timko; Howard Humphrey, Sr., Alternate; Mary Allen, Clerk; Everett Chamberlain, Alternate.

Public Hearing for a Variance to Article XIV, Section A.5. requested by J. Andras Lazar. The Applicant proposes a hard pack surface treatment instead of pavement for a parking area for commercial property located at Main and Summer Streets in the Village Business District.

Discussed date for the annual meeting. Will be held in conjunction with the next scheduled public hearing(s).

The Chairman, Thomas Curran, opened the meeting at 7:30 P.M. and introduced the Board: Joseph Timko; Howard Humphrey, Sr.; Everett Chamberlain; Mary Allen, Clerk; and Thomas Curran, Chairman. He read the five criteria for granting a variance and asked the applicant to address these points. He also read the Article and Section of the Antrim Zoning Ordinance in question. Clerk Mary Allen read the application and reported that notices have been sent to the Applicant and eight abutters. The notice was also published in the Peterborough Transcript. All receipts have been returned except that of Zina's Restaurant. Allen read a memo from the Antrim Planning Board which recommends the granting of this Variance. There were no other communications. J. Andras Lazar presented his case, first asking for a definition of the requirements for paving. The Chair pointed out that the Ordinance requires that parking areas be paved in the Business District only. Lazar presented a copy of his proposal and explained his plan for parking. He stated that there is ample room for additional parking if the need arises but the floor area of his proposed business only requires two spaces. It was established that the river is sixty feet from the edge of the driveway. Lazar explained that drainage was the reason for not paving the driveway. Allen made the point that at this point the property is not used as a duplex and, therefore, the Applicant will not have to provide additional parking for the additional use. Allen asked how the parking areas will be delineated. Lazar indicated that he would be designating the area by the use of signs. This business will principally involve the sale of baseball cards and comic books. The danger of parking on the corner of Summer Street was discussed. There was some concern for the clear delineation of the driveway area. The requirements for directional signs, and the location of the business sign were discussed. The Applicant addressed his arguments to the criteria for granting the Variance: 1. Diminution if surrounding property--A hard pack surface is in keeping with the area and complements the whole property. 2. Granting the Variance would be in Public interest-- same reason as stated above and also a hard pack surface will handle the drainage better. 3. Denial of the permit would result in unnecessary Hardship--A tar surface will inhibit drainage and direct runoff into the Applicant's

basement. 4. Substantial justice--The driveway will be more functional and better suited than a paved driveway. The Applicant is in the masonry business and these are materials he normally uses in his trade. 5. Use of hard pack would maintain the look of the commercial district. Allen asked if there is room for two cars. The Applicant stated that there is ample room for the two cars as required by Zoning Ordinance. Chairman Thomas Curran closed the hearing and the Board went into deliberations.

Deliberations: Variance to Article XIV, Section A.5. The Applicant proposes a hard pack surface treatment instead of pavement for a commercial parking area in the Village Business District. The Board addressed the five criteria for granting a Variance.

1. No diminution of surrounding properties. After some discussion in which Mary Allen commented on her concerns for drainage and dust, the consensus of the Board was that there would be no diminution of value as the hard pack surface will keep the dust down and permit water to drain off more efficiently than the pavement.

2. Granting the permit would be in the public interest. The consensus of the Board was that this will keep some cars off the street. Tom Curran observed that there was a possibility that black top could wash down into the brook. Mary Allen expressed the opinion that the use of gravel would bring about better drainage.

3. Denial of the permit will result in unnecessary hardship. Tom Curran commented that in his opinion the ordinance intended the paving requirement for larger developments and this is a small situation. Mary Allen added that if the parking lot is paved it will direct the drainage into the house and the hard pack is better than hot top for drainage. She pointed out that the hardship is in the small size of the lot and the proximity of the river to the property. The consensus of the Board was that if it was denied there would be unnecessary hardship.

4. By granting the permit substantial justice would be done. The consensus being that if all other criteria are met substantial justice will be done.

5. The use must not be contrary to the spirit of the ordinance. The consensus of the Board being that in view of the recommendation from the Planning Board and the fact that hard pack will promote better drainage and give a neat appearance it is not contrary to the spirit and intent of the Ordinance.

Everett Chamberlain moved to grant the Variance to Article XIV, Section A.5. to allow a hard pack surface on a commercial parking area in the Village Business District. The Board feels that all five criteria necessary for a Variance have been met. Howard

Humphrey, Sr. second. The Chair asked for discussion hearing none he took the vote: Joseph Timko, yes; Everett Chamberlain, yes; Howard Humphrey, Sr., yes; Mary Allen, yes; Thomas Curran, yes. Mary Allen urged the Applicant to delineated the parking areas. Lazar stated that he will be opening the store within a couple of months. The Board made a request that Lazar endeavor to clean up his mason supply area at the rear of his property and suggested that if it could not be made neater he could shield it with a fence.

Meeting adjourned,
Barbara Elia, secretary
Antrim Board of Adjustment