

**TOWN OF DERRY**  
**ZONING BOARD OF ADJUSTMENT MINUTES**  
**June 19, 2008**

**Members Present**

Allan Virr, Chairman  
Albert Dimmock  
George Chaloux

**Members Absent**

Cecile Cormier  
Christopher Lunetta

**Alternates Present**

David Thompson  
Ernest Osborn  
James Webb

**Alternates Absent**

Dana Theokas  
Michael Fairbanks

**Staff Present**

Fred Kelley, Assistant Building Inspector

Mr. Virr called the meeting to order at 7:03 p.m. with the salute to the flag, and notice of fire and handicap exits. He explained meeting procedures and introduced the Board members

It was noted for the record that Mr. Osborn and Mr. Webb would sit for the following case.

**OTHER BUSINESS**

**08-113        Craig & Nicole Santoro**

**Variance to terms of Article VI, Section 165-46C4, to build 8'X 42' farmers porch within 27.7' from the front lot line (35' required) at residence on 4 Brady Ave., tax map 05015. MDR DISTRICT**

Craig Santoro, owner, said that his contractor was also present to answer any questions that the Board may have with regard to the construction of his farmer's porch. He read his application for the Board.

**Code Enforcement**

Mr. Kelley said that the applicant's request is to construct an 8' foot wide farmer's porch within 27.7 feet of the front lot line. According to assessing records, the home was constructed in 1968. There are no records of permits, etc. in our file due to the age of the home. The abutting properties appear to be set back substantially further. The applicant had applied for a building permit to construct the porch at which time it was noted that the porch,

as proposed, did not appear to meet the front setback. The applicant had a survey performed which indicates that an 8' wide porch would be located 27.7 feet from the front property line. The applicant was then advised to seek a variance. As this request involves a dimensional requirement, the Boccia hardship test will apply:

- i. An area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property.
- ii. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance.

Mr. Kelley said there were pictures in the file for the Board's review.

Mr. Webb asked how wide was the existing home. Mr. Santoro said that the home was 24' wide.

Mr. Virr asked if the roof pitch would change. The contractor said that was correct but it would blend in with the existing home.

Mr. Webb asked if the proposed porch would be changing the appearance of the existing home. Mr. Santoro said that the proposed farmer's porch was planned to be constructed the whole length of the home and would be in keeping with the neighborhood as most of the other homes currently have farmer's porches.

Mr. Chaloux asked how close to the street would the proposed farmer's porch be. Mr. Santoro said that the proposed porch would be 27' 7" to the front lot line.

Mr. Kelley said that the front lot line was not the street edge and that the proposed farmer's porch would sit approximately 30 – 40' back from the street.

Mr. Dimmock said that he did not see the hardship if the proposed porch was to be 27' 7" from the lot line to the edge of the porch if there would be 39 – 40' from the street edge. He said that in order to be granted a hardship had to be shown.

Mr. Virr said that he believed that hardship had been demonstrated as the home was built before the street was constructed.

There was some discussion with regard to setback and existing stairway.

Mr. Webb asked if the porch would be similar to others in the neighborhood. Mr. Santoro said that it would be identical as the homes are mostly standard ranch style homes with farmer's porches.

No abutters were present.

**Mr. Dimmock motioned on case #08-113, Craig & Nicole Santoro, to Grant a Variance to terms of Article VI, Section 165-46C4, to build 8'X42' farmers porch within 27.7' from the front lot line (35' required) at residence on 4 Brady Ave., tax map 05015. MDR DISTRICT as presented with the following conditions:**

1. Construction completed within 1 year or variance shall be void.
2. Subject to obtaining all Town permits and inspections.

Seconded by Mr. Chaloux.

Vote:

Mr. Webb: Yes.  
Mr. Osborn: Yes.  
Mr. Chaloux: Yes.  
Mr. Dimmock: Yes.  
Mr. Virr: Yes.

The application was granted by a vote of 5-0-0. Anyone aggrieved by a decision of the Board has 30 days to file a request for a rehearing. After that the recourse would be to appeal to Superior Court.

Approval of Minutes

Mr. Dimmock motioned to approve the minutes of June 5, 2008 as written.

Seconded by Mr. Osborn.

Vote: Unanimous.

Mr. Thompson, Mr. Webb, Mr. Osborn, Mr. Chaloux, Mr. Dimmock, Mr. Virr

Adjourn

Motion to adjourn by Mr. Dimmock.

Seconded by Mr. Chaloux.

Vote: Unanimous.

Mr. Thompson, Mr. Webb, Mr. Osborn, Mr. Chaloux, Mr. Dimmock, Mr. Virr

Adjourn at 7:25 pm

Minutes transcribed by:

Ginny Rioux  
Recording Clerk

**Approval of Minutes July 17, 2008**

Mr. Dimmock motioned to approve the minutes of June 16, 2008 as written.

Seconded by Mr. Osborn.

Vote: Unanimous.

Mr. Thompson, Mr. Webb, Mr. Osborn, Mr. Dimmock, Mr. Virr