

TOWN OF DERRY
ZONING BOARD OF ADJUSTMENT MINUTES
April 19, 2012

Members Present

Allan Virr, Chairman
Albert Dimmock, Vice Chairman
Ernest Osborn, Secretary
Lynn Perkins
Donald Burgess

Members Absent

Alternates Present

Louis Serrecchia
Joseph Carnvale
Frank Mazzuchelli

Alternates Absent

Teresa Hampton

Code Enforcement

Robert Mackey

Mr. Virr called the meeting to order at 7:02 p.m. with the salute to the flag, and notice of fire and handicap exits and that this and all Zoning Board meetings are videotaped.

Mr. Virr said that it was that time of year again for the Board to hold its annual election of officers.

Mr. Virr welcomed Mr. Carnvale and Mr. Mazzuchelli to being appointed as alternates to the Board.

Election of Officers

Position of Chairman

Mr. Dimmock nominated Mr. Virr for the position of Chairman.
Seconded by Mr. Osborn.

Vote: Unanimous
Mr. Burgess, Mr. Perkins, Mr. Osborn, Mr. Dimmock.

Position of Vice Chairman

Mr. Virr nominated Mr. Dimmock for the position of Vice Chairman.
Seconded by Mr. Perkins.

Vote: Unanimous

Mr. Burgess, Mr. Perkins, Mr. Osborn, Mr. Virr.

Position of Secretary

Mr. Dimmock nominated Mr. Osborn for the position of Secretary.
Seconded by Mr. Virr.

Vote: Unanimous

Mr. Burgess, Mr. Perkins, Mr. Dimmock, Mr. Virr.

12-107 Charles & Cheryl Stanion

Variance to the terms of Article VI, Section 165-45.B.1.d.ii of the Derry Zoning Ordinance to allow the construction of a screen porch, attached to an existing shed, less than 15 feet from the side lot lines. 5 Everett Street, Parcel ID 29054, Zoned MHDR

Charles Stanion, owner, read his application for the Board. Mr. Stanion said that the existing shed already has a concrete pad attached to it that he wished to utilize for a screen porch and create a storage area over the shed area so he had a place for additional storage.

Board Questions

Mr. Osborn asked if the proposed structure would look like the existing home. Mr. Stanion said yes.

Mr. Virr asked if was being placed where the fence was located on the side so it was out of view. Mr. Stanion said yes.

Mr. Perkins asked if there was an alternative shed on the property. Mr. Stanion said yes that it was existing on the other property.

Mr. Dimmock said that the shed in question belonged to #46.

Mr. Virr asked if there were any structures close to the lot lines. Mr. Stanion explained the area for the Board.

Favor

Connie Dimmock, High Street, said that she was in favor of the applicants request as it would not be seen from the street and that it would improve the yard.

Opposed

No abutters were present

Code Enforcement

Mr. Mackey said that the applicant is requesting a variance for the construction of a 12' x 15' screened in porch attached to the existing shed. The porch, as proposed will not meet the side lot line setback requirements. In 1992, a variance was granted by the ZBA to allow the existing shed to be no closer than 8' to the left side lot line (see attached). Our records indicate that a building permit was issued for the construction of the shed in September of 1986. If approved, the applicant will be required to obtain a building permit from our office. There are pictures in the file for review by the Board.

Board Questions

Mr. Virr asked how long had the home been owned. Mr. Stanion said that they have resided there for 30 years.

Mr. Osborn motioned to go into deliberative session.

Seconded by Mr. Dimmock.

Vote: Unanimous.

Mr. Burgess, Mr. Perkins, Mr. Osborn, Mr. Dimmock, Mr. Virr.

Deliberative Session

Mr. Virr said that he did not feel that there was anything in the criteria that would be negative to this situation.

Mr. Dimmock said that in the past there have been similar situations that have been allowed 2-3 feet from the lot lines and that he felt that this request was no different and that there would be no visibility from the street.

Mr. Osborn motioned to come out of deliberative session.

Seconded by Mr. Dimmock.

Vote: Unanimous.

Mr. Burgess, Mr. Perkins, Mr. Osborn, Mr. Dimmock, Mr. Virr.

Mr. Osborn motioned on case #12-107, Charles & Cheryl Stanion to grant a Variance to the terms of Article VI, Section 165-45.B.1.d.ii of the Derry Zoning Ordinance to allow the construction of a screen porch, attached to an existing shed, less than 15 feet from the side lot lines. 5 Everett Street, Parcel ID 29054, Zoned MHDR as presented with the following conditions:

- 1. Subject to all Town and State permits and inspections.**
- 2. 1 year to build or variance shall be void.**

Seconded by Mr. Dimmock.

Vote:

Mr. Dimmock: Yes.
Mr. Burgess: Yes.
Mr. Osborn: Yes.
Mr. Perkins: 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

Correspondence

NH Town & City

Mr. Dimmock said that there was a Local Officials workshop in Concord on May 19th and informed the new members that these workshops were very informative and suggested that they attend.

Mr. Virr asked if a new email could be resent to all the Board members and to register them all for the workshop.

Approval of Minutes

Mr. Dimmock motioned to approve the minutes of March 15, 2012.

Seconded by Mr. Osborn.

Vote: Unanimous

Mr. Serrecchia, Mr. Burgess, Mr. Perkins, Mr. Osborn, Mr. Dimmock, Mr. Virr

Other Business

Mr. Mackey said that he had received an email from Elizabeth Robidoux in the Planning Department saying that a new handbook for local officials had been received and that copies would be made for all the Board members at the next meeting.

Mr. Mackey said that the Town had received a petition in the Sobel case.

Adjourn

Motion to adjourn by Mr. Osborn.

Seconded by Mr. Dimmock.

Vote: Unanimous.

Mr. Serrecchia, Mr. Burgess, Mr. Perkins, Mr. Osborn, Mr. Dimmock, Mr. Virr

Adjourn at 7:25 pm

Minutes transcribed by:

Ginny Rioux

Recording Clerk

APPROVAL OF MINUTES MAY 3, 2012

Mr. Virr motioned to approve the April 19, 2012 minutes.

Seconded by Mr. Dimmock.

Vote: Unanimous.

Mr. Carnvale, Mr. Mazzuchelli, Mr. Serrecchia, Mr. Burgess, Mr. Perkins, Mr. Osborn, Mr. Dimmock, Mr. Virr.