

**FRANKLIN ZONING BOARD
REGULAR MEETING AND PUBLIC HEARING
CITY COUNCIL CHAMBERS- CITY HALL
Wednesday, November 5th, 2014 at 7:00 p.m.**

MINUTES

Call to Order: The meeting was called to order at 7:10 p.m.

- ❑ **Salute to the Flag**
- ❑ **Roll Call**

Present: Kirk Johnston, Kathlene Fleckenstein, Michael Weatherbee and Planning and Zoning Administrator Richard Lewis.

Absent: Sandra Hodgdon, Donna Tully and Donald Gagnon.

Member Weatherbee was seated in place of absent voting Member Donald Gagnon.

- ❑ **Approval of Minutes: September 3rd, 2014 Zoning Board Meeting**

MOTION: Member Johnston moved and Member Weatherbee seconded to approve the minutes of the September 3rd, 2014 Zoning Board regular meeting. All were in favor and the motion passed.

Old Business: None.

New Business

- ❑ **Z14-09:** George E. Lees III and Marie C. Lees, Owners/Applicants, request a variance allowing a lean-to roof structure to the north side of the garage as shelter for lawn equipment. The lean-to will be approximately ten (10) feet from the property line, where the setback requirements are fifteen (15) feet. The property is located at 57 Lawndale Avenue, Tax Map/Lot # 096-074-00, R-2 Zone (High-Density Residential District).

Acting Chair Fleckenstein asked the applicant if they wanted to proceed with a board of three, and indicated their option is to continue the hearing to the December meeting to be heard in front of a full board. Mr. Lees stated that he would like to be heard this evening.

Mr. Lees stated they have a two car garage; however, they want to be able to put their cars into the garage this winter, so they were reviewing options for storage of lawn equipment, including a snow blower, John Deere mower, rototiller, ladder and other items. He stated in trying to make a decision, he noticed that his neighbor has a lean-to on the side of the house facing his property and he thought that this would be a good idea and would be in keeping with the neighborhood. He stated that the items will be stored in this area, either way, and this would allow for protection from water and snow and would make the area look better.

Board Questions

Member Johnston asked about the fence in the pictures and asked if this was on the property line and Mr. Lees stated that it is. Member Johnston asked if it was correct that the lean-to would protrude out 8' and that would allow approximately 10' to the property line and Mr. Lees stated that was correct. Mr. Lees stated the fence is actually approximately 1' off of the property line, in on his property.

Member Johnston asked if he had read that there is a PSNH right of way on the property and Mr. Lees stated that on the south side of the property approximately half of his property is unusable due to the right of way. He stated that there are even rules about planting trees and shrubs in the right of way.

Member Fleckenstein asked about the rear of the property. Mr. Lees stated he doesn't have a lot of area to work with on the rear as the house is close to the property line there as well.

Angie Carey stated that she gave the board members the Google Earth Map and the tax map which shows the usable land area of the lot.

Public Comment None.

Board Discussion

Member Johnston asked if the abutters were notified and it was indicated that they were. He asked if it was for storage of lawn equipment and Mr. Lees stated it was. It was pointed out that in the pictures the equipment is already being stored in this area and this will create coverage and allow the items to be a little less seen.

MOTION: Member Johnston move that the Zoning Board of Adjustment deny the Variance application requests of George E. Lees III and Marie C. Lees, Owners/Applicants, to build a lean-to approximately 10' from the property line, where the requirement is 15', on property located at 57 Lawndale Avenue, Tax Map/Lot # 096-074-00, R-2 Zone (High-Density Residential District). The Board finds that the application request fails to meet the tests and criteria necessary for the granting of the Variance as spelled out in the draft decisions to deny which has been reviewed and approved, including any modifications, by the Board. There was no second and the motion died.

MOTION: Member Fleckenstein move that the Zoning Board of Adjustment approve the Variance application requests of George E. Lees III and Marie C. Lees, Owners/Applicants, to build a lean-to approximately 10' from the property line, where the requirement is 15', on property located at 57 Lawndale Avenue, Tax Map/Lot # 096-074-00, R-2 Zone (High-Density Residential District). The Board finds that the application request meets the tests and criteria necessary for the granting of the Variance as spelled out in the draft decisions to approve, which have been reviewed and approved, including any modifications, by the Board. Member Weatherbee seconded the motion. Member Johnston was opposed. The motion failed as a quorum of a board of three did not vote in favor of this motion.

At this time, Richard Lewis stated the proper thing to do would be to have the board continue this application to the December meeting in hopes that there will be a full board present to hear the application.

MOTION: Member Fleckenstein moved to continue application Z14-09 to the Wednesday, December 3rd, 2014 meeting of the Zoning Board to be held at 7:00 p.m. in City Hall Council Chambers. All were in favor and the motion passed.

Planner's Update None.

Other Business: Angie Carey mentioned that in the packet this month was the 2015 Meeting Schedule.

Public Comment: None.

Adjournment

MOTION: Member Johnston moved and Member Weatherbee seconded to adjourn the November 5th, 2014 meeting of the Zoning Board of Adjustment, at 7:26 p.m. All were in favor and the motion passed.

Respectfully submitted,

Angela M. Carey
Planning and Zoning Assistant