

MINUTES OF THE MEETING
LEE ZONING BOARD OF ADJUSTMENT
April 17, 2013

MEMBERS PRESENT: Tobin Farwell, Acting Chairman; David Allen; Philip Sanborn; and Frank Reinhold, Alternate.

OTHERS PRESENT: Caren Rossi, Secretary; John Hutton; Kathleen & Robert Dallon; and Tom March.

The board introduced themselves to the applicants and audience.

Tobin Farwell, Acting Chairman explained that there are only 4 members tonight, the applicant is entitled to a board of 5, if they choose to go forward with a board of 4, they need 3 in the affirmative. Only having a board of 4 doesn't qualify as a reason for a rehearing.

John Hutton explained they understood and wished to proceed.

Dave Allen clerked and read the following application into the record.

(Z1213-9)

- The applicants are Robert & Kathleen Dallon. They are requesting a Variance to the 2013 Lee Zoning Ordinance to Article V; Section A, Permitted Uses. The applicants are proposing a Dog Day Care and associated services. The property is located on 28 Jacob Lane and is known as Lee Tax Map#20-04-1700.

John Hutton, presenting for the applicants explained that they would like to have an in-house doggie daycare. The maximum number of dogs at one time would be 6; the hours would be Monday thru Friday 7am to 6pm. No weekends, no overnights, never left unsupervised, and no aggressive or chronic barking dogs allowed. Periodically the dogs will be off the property with Mrs. Dallon as she likes to take them for several outings. They will be constructing a 12' x 24' building where the dogs will be able to go into in the bad weather. They already have a fenced in yard, 30' x 30' where they dogs will go. They provided letters for the Board from the neighbors in support of the application. As well as a description of the proposal (in file).

Public Comment

Tom March from Cartland Road spoke with concerns of the excessive barking that happens with dogs. He also had concerns if this property sold and the new buyers were to expand the business. Does the variance go with the land or with the applicants?

Tobin Farwell, acting Chairman explained that the variance goes with the land not the applicant.

Caren Rossi explained that there is an RSA that addresses excessive barking of dogs.

Robert Dallon explained that they don't want this either; someone will be with the dogs at all times to make sure this doesn't happen.

Tom March explained he wasn't against the application he just had those two concerns.

Frank Reinhold explained that if the property is sold, and the new owner wants to expand the business, they would have to come back to the Board just like these folks are to expand.

Floor closed to public comment.

The Board discussed the application.

Frank Reinhold asked about parking.

Kathleen Dallon explained that they are the only driveway off of the cul-de-sac; they don't for see any issues. Jacob Lane is a very quiet street.

Frank Reinhold asked if they would have a sign.

John Hutton explained just the one allowed by zoning at the end of the driveway, not for advertisement but for locating.

The Board commented that they felt it was a very low impact use for the property.

The Board determined the following Findings of Fact.

PRELIMINARY FINDING

After reviewing the petition and having heard the presentation by the applicant, it is found that the Board **has all** sufficient information available upon which to render a decision. If there is sufficient information, the application will be deemed accepted and the public

hearing will continue. If it is found that the Board does not have sufficient information, the public hearing will be postponed to a date certain on _____.

FINDINGS AND RULINGS

After reviewing the petition, hearing all of the evidence, and by taking into consideration the personal knowledge of the property in question, the Board of Adjustment for the Town of Lee has determined the following findings of fact:

- 1) The variance **will not be (all)** contrary to the public interest because: consistent with previous approvals. a low impact based on guidance provided.
- 2) Special conditions **do (all)** exist such that the literal enforcement of the ordinance results in unnecessary hardship. In deciding this criteria, you must decide whether:
 - a) The zoning restriction as applied to the property **interferes (all)** with the reasonable use of the property, considering the unique setting of the property and its environment because: commercial use that is allowed, which will not encroach the abutters.
 - b) There **is no (all) fair** and substantial relationship between the general purposes of the zoning ordinance and the specific restriction on the property because: he can own 6 or more personal dogs, more restrictive this way.
- 3.) The variance **is (all)** consistent with the spirit of the ordinance because: low impact, not a big commercial activity.
- 4) By granting the variance, substantial justice **will (all)** be done because: low impact.
- 5) The value of surrounding properties **will not (all)** be diminished because: low impact.

Phil Sanborn made a motion to grant the request for Robert & Kathleen Dallon. The applicant requests a Variance to the 2013 Lee Zoning Ordinance to Article V; Section A, Permitted Uses. The applicants are proposing a Dog Day Care and associated services. The property is located on 28 Jacob Lane and is known as Lee Tax Map#20-04-1700. To include the outline described and stated in the application.

They are as follows:

Monday thru Friday, 7 am to 6 pm.

No more than 6 client dogs.

Not unsupervised and no aggressive or chronic barking dogs.

Dave Allen second.

Vote: All

Tobin Farwell, Acting Chairman explained the 30-day appeal process to the applicant.

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MINUTES TRANSCRIBED BY:

Caren Rossi, Secretary

MINUTES APPROVED BY:

Tobin Farwell, Acting Chairman

David Allen

Philip Sanborn

Frank Reinhold, Alternate