

**MINUTES OF THE MEETING
LEE ZONING BOARD OF ADJUSTMENT
Wednesday, May 20, 2015
7:00 PM**

MEMBERS PRESENT: Jim Banks, Chairman; Frank Reinhold, Jr. Alternate; Peter Hoyt, Alternate; Craig Williams, Alternate and Roy Wilson, Alternate.

OTHERS PRESENT: James Warden; Toni Hartgerink, Lee Conservation Commission; and Caren Rossi, Planning/Zoning Administrator.

(ZBA1415-14)

Clerked and read the notice into the record.

An application from James & Holly Warden, Trustees of the Warden Rev. Trust, 20 Tamarack Road, Lee NH.

The applicant requests a Variance to Article XV, Wet Soils Conservation Zone; Section F-2, to allow for an addition of a mudroom to the existing home be located 60' +/- from the edge of wet soils where 75' is required. The requests are to the 2015 Town of Lee Zoning Ordinance. The property is known as Tax Map #18-01-2600.

Frank Reinhold Clerked and read the notice into the record.

James Warden explained that they would like to build a mudroom on to the existing home on existing pavement that is already there. They have 3 kids and their items are taking over the dining room. They will not be putting in any more impervious pavement as it will be going over existing pavement. It will be a one story building only. He met with the conservation commission and they did not have any issues as he was not expanding the impervious area towards wetsoils. He explained that Marc Jacobs delineated the edge of the wetsoils for him.

Frank Reinhold asked if it would be a frost wall or sonar tubes?

James Warden replied frost wall, no heat, nothing fancy, just a mudroom.

Public Comment

Toni Hartgerink spoke in favor of the application as he is not expanding the impervious area. She also complimented him for the pristine shape the wetsoils have been kept in.

Jim Banks, Chairman felt the request was a reasonable request.

Other board members agreed.

The Board determined the following Findings of Fact:

PRELIMINARY FINDING

After reviewing the petition and having heard the presentation by the applicant, the Board finds that it does not have sufficient information upon which to render a decision. The public hearing will be postponed until _____.

There is sufficient information before the Board to proceed. **Yes all**

FINDINGS

After reviewing the petition and considering all of the evidence as well as the Board members' personal knowledge of the property in question, the Board makes the following determinations pursuant to RSA 674:33. The Board has checked each statement that applies.

- 1) Granting the Variance will not be contrary to the public interest. Yes majority

- 2) Granting the variance would be consistent with the spirit of the ordinance. Yes majority

- 3) In granting the variance, substantial justice is done. Yes majority

- 4) In granting the variance, the values of surrounding properties are not diminished. Yes majority

- 5) Literal enforcement of the provisions of the ordinance would result (A)Yes majority in an unnecessary hardship to applicant.

- A) To find that an "unnecessary hardship" exists, the Board must find:
- There are special conditions on the subject property that distinguish it from other properties in the area; *and*
 - No fair and substantial relationship exists between the purpose of the ordinance and its application to the property in question.

Roy Wilson made a motion to grant the request made by James & Holly Warden, Trustees of the Warden Rev. Trust, 20 Tamarack Road, Lee NH.

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Craig Williams second.

Vote: all, motion carried.

Jim Banks, Chairman explained the 30-day appeal process to the applicant.

MINUTES TRANSCRIBED BY:

Caren Rossi, Planning & Zoning Administrator

MINUTES APPROVED BY:

Jim Banks, Chairman

Roy Wilson, Alternate

Frank Reinhold, Alternate

Peter Hoyt, Alternate

Craig Williams, Alternate