

**MINUTES OF THE MEETING
LEE ZONING BOARD OF ADJUSTMENT
Wednesday, July 22, 2015
7:00 PM**

MEMBERS PRESENT: Jim Banks, Chairman; John A. Hutton; Tobin Farwell; & Frank Reinhold, Alternate Peter Hoyt (Crockett app), Alternate; and Craig Williams (First Strafford app), Alternate.

OTHERS PRESENT: Bill Callan, Lee USA Speedway General Manager; Davey Crockett; and Caren Rossi, Planning/Zoning Administrator.

Jim Banks, Chairman wanted it clarified for the record who would be voting on each application. It was determined that Craig Williams would vote on the First Strafford application and Peter Hoyt on the Crockett application.

Tobin Farwell clerked.

(ZBA1415-16)

A continued application for Variance of the 2015 Lee Zoning Ordinance from First Strafford Realty Trust, Jennifer MacDonald Trustee. The applicant requests a variance to Article XXIII, Section (3), Non-Conforming Uses too allow for running events to be conducted on or at the property. Property is located at 380 Calef Highway, and is known as Lee Tax Map #18-02-0000.

Bill Callen explained that he was recently approached about having running events at the track. He has gone to the Board of Selectmen and received approval. The events are most typically events that will raise money for other organizations and or communities. They will not be hosting the events they will be providing the facility only and the property.

Tobin Farwell asked if they had any races scheduled.

Bill Callen replied no, they were approached earlier in the spring but they didn't have enough time to get all of the approvals.

Caren Rossi explained that in reviewing the previous approvals she didn't feel that races fell under the categories approved. They then because of the race track ordinance, they must go to the Board of Selectmen and receive approval for anything in addition to car racing as well as the ZBA and the PB. They have

received the BOS approval and if they received ZBA approval they will then go to the PB.

Jim Banks, Chairman asked if they will use a public address system.

Bill Callen replied that they will not, just a megaphone.

Jim Banks, Chairman asked if they will have a large audience participation or just attendants.

Bill Callen replied he didn't think they would be a large audience just cheering on the participants.

Tobin Farwell asked if a police detail is needed.

Caren Rossi explained that as part of planning board site review these details as well as parking, lighting, traffic etc. will be addressed.

Public Comment

None

Jim Banks, Chairman asked the Board members if they had anything to discuss.

Tobin Farwell just wanted clarification that it is a foot race.

Bill Callen confirmed it was.

The other members had no concerns and thought it was a good use of the property.

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

Tobin Farwell made a motion to grant the Variance of the 2015 Lee Zoning Ordinance from First Strafford Realty Trust, Jennifer MacDonald Trustee. The applicant requests a variance to Article XXIII, Section (3), Non-Conforming Uses too allow for running events to be conducted on or at the property. Property is located at 380 Calef Highway, and is known as Lee Tax Map #18-02-0000.

John Hutton second.

Vote: all, motion carried.

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

(ZBA1516-01)

An application for a Variance from applicant Davey & Natalia Crockett of 18 Allens Ave. The property is known as Lee Tax Map #13-03-01100. The applicant is requesting a variance of the 2015 Lee Zoning Ordinance, Article V; Residential Zone, Section b-3 setbacks. In that the applicant is proposing to construct an attached garage to the existing home 34' + - from the front property line where 50' is required

Tobin Farwell clerked.

Davey Crockett explained that they would like to build a garage attached to the existing house. The house was built prior to zoning. By attaching it to the house, there will be no further encroachment to the street. It will be flush with the house.

Jim Banks, Chairman asked why they don't move it back to meet the required distance.

Davey Crockett explained that they can't move it back because of the septic system is in the proposed area.

Jim Banks, Chairman asked what will be done with the existing garage.

Davey Crockett stated that it will remain. He has a daughter that will be soon getting a car and additional garage space will be needed.

Jim Banks, Chairman asked if it will be a two car garage.

Davey Crockett replied yes, with pedestrian access as well.

Caren Rossi reminded the Board that he has addressed the 5 criteria in his application.

Public comment

None, floor closed.

John Hutton commented that he disagrees with the applicant's statement in the application regarding harsh New England weather.

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.

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

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

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

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

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

Tobin Farwell made a motion to grant the request for a Variance from applicant Davey & Natalia Crockett of 18 Allens Ave. The property is known as Lee Tax Map #13-03-01100. The applicant is requesting a variance of the 2015 Lee Zoning Ordinance, Article V; Residential Zone, Section b-3 setbacks. In that the applicant is proposing to construct an attached garage to the existing home 34' +- from the front property line where 50' is required.

Peter Hoyt second.

Vote: majority yes, John Hutton no

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

John Hutton

Tobin Farwell

Frank Reinhold, Alternate

Peter Hoyt, Alternate

Craig Williams, Alternate