

TOWN OF LYNDEBOROUGH
Zoning Board of Adjustment
June 29, 2017
Minutes

FINAL – Approved 3-27-18

7:10 PM

Roll Call: Chairman Karen Grybko, Rick Roy and Lisa Post

Gary LeBlanc and Wally Holt have resigned from the Board. Tom Christenson and Lee Mayhew were not present. Lisa Post was elected as a ZBA member in March 2017 and has been sworn-in by the Town Clerk.

NEW BUSINESS CASE 2017-1:

Don and Linda Anderson, 169 Purgatory Falls Road, Lyndeborough, Map 235, Lot 2 are requesting an appeal of Administrative Decision to build a two-vehicle garage 16 feet from the property line.

There were no abutters present or any letters from neighbors/abutters regarding this ZBA case.

The Andersons presented photograph that demonstrated the outcroppings and ledge in his yard, a map and blueprints of his house. Don Anderson explained when the house was built it was reversed from the building plans due to ledge and because the house did not go in the intended location the plans for a future garage were not a viable option. The only logical location of a garage is the location presented which avoids ledge and is assessable to the handicap occupant of the home. Other locations would block the driveway or be in front of the house.

The neighbors to the left are roughly 100 yards away while the neighbors to the right are maybe 200 yards away and cannot be seen from the Anderson's house. There is not a home across the street.

The front of the garage will sit on ledge and the builders will have to pin the whole side so the foundation won't move. The ledge is not that hard in this area.

ZBA Member Rick Roy asked what prohibits the Andersons from building the entire building on ledge. The answer was they are not sure how to do the foundation because slab on ledge might work but ledge moves and it heaves which could tear up the pad.

The occupant's disability has to be taken into consideration.

Any other location would interfere with the septic system and the ability to get behind the house. The utilities are behind the proposed garage's location.

The Five Criteria set forth in NH RSA 674:33, I (b) were debated and voted on.

#1: Waiving the terms of the Ordinance will not be contrary to the public interest because:

It was discussed this is not contrary to public interest because a garage is consistent to the neighborhood and what the neighbors have.

VOTE: Rick Roy made a motion to approve the first element of the test. Lisa Post seconded. Motion passed unanimously.

#2: Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

VOTE: Rick Roy moved the building will increase the value of the property in the most practical area and does not impose any undo restrictions to other property owners or abutters. Lisa Post seconded. Motion passed unanimously.

#3: Granting the variance would do substantial justice because:

VOTE: Rick Roy moved the identified location permits easy access for the disabled occupants. Any place else within easy access is ledge and would be difficult towards a foundation. Lisa Post seconded. Motion passed unanimously.

#4: The value of the surrounding property would be diminished because:

VOTE: Rick Roy moved the value of the surround property will not be diminished because the occupant says the building will be hidden from neighbors and surrounding properties and conform to the neighborhood. Lisa Post seconded. Motion passed unanimously.

#5B: If the criteria in subparagraph 5A above are not established, explain how, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

VOTE: Rick Roy moved to accept 5B because most of the property is ledge and any other location would endure hardship due to a disability. Lisa Post seconded the motion. Motion passed unanimously.

VOTE: ZBA Member Rick Roy moved to accept the Anderson's application Case 2017-1 for a variance of the setback to build a garage 16 feet from the lot line. ZBA Member Lisa Post seconded the motion. Motion passed unanimously.

Chairperson Karen Grybko will write a decision which will be available July 5, 2017 at noon at Citizens' Hall.

The applicant paid \$220 for the application fee, abutter notification and public notice costs. Check #5479.

VOTE: Rick Roy nominated Linda Anderson as an alternate for the ZBA. Lisa Post seconded. Motion passed unanimously.

Mrs. Anderson was instructed to see the town clerk's office to be sworn-in.

Bob Howe was considered as a potential ZBA Alternate.

Adjournment: Rick Roy moved to adjourn at 8:18pm. Lisa Post seconded. Motion passed unanimously.

Respectfully Submitted,

Kathleen Humphreys, ZBA Secretary