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APPROVED
Town of New Castle
Zoning Board of Adjustment Agenda
January 21, 2016
7:00 pm

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PUBLIC HEARING:

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Case # 2016-01 filed by Thomas and Martha Bates for the property at 36 Piscataqua Street, Map 18, Lot 30. Applicant requests a variance to Article 4.2 to permit a 3rd floor half bathroom.

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Members Present: Chair Todd Baker, Russell Cox, Rebecca Goldberg, John Fitzpatrick, Margaret Sofio

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Members Not Present: Mark Gardner

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Also Present: Thomas and Martha Bates, Michael McAndrew, Holly Biddle

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Chair Baker called the January 21, 2016 meeting of the New Castle Zoning Board of Adjustment to order at 7:00 pm and opened the Public Hearing on Case #2016-01.

1. **Public Hearing:**

Case #2016-01 filed by Thomas and Martha Bates for the property at 36 Piscataqua Street, Map 18, Lot 30. Applicant requests a variance to Article 4, Section 4.2 to permit a 3rd floor half bathroom.

Mr. Thomas Bates discussed the application for a variance at 36 Piscataqua Street with the members and the public. He said the variance is being requested in order to construct a half bathroom on the third floor of the dwelling. Mr. Bates said the application meets the five criteria for a variance and listed them.

Criteria #1 – Would not result in diminution of property value: He said that adding an additional bathroom will increase the value of the property and the nearby properties. Mr. Bates noted that the entire structure will be a 7' x 4' small dormer.

Criteria #2 – Would not be contrary to the public interest: Mr. Bates said the project will not impact the public health and safety of the community.

Criteria #3 – Denial would be an unnecessary hardship: Mr. Bates stated that the stairs to third floor are steep and narrow. He noted that without a bathroom on the third floor there is a safety issue.

Criteria #4 – Would result in substantial justice: Mr. Bates said the safety reasons for the bathroom and the hardship if denied justifies the need for the bathroom.

1 Criteria #5 – Is not contrary to the spirit of the ordinance: Mr. Bates said the project will not increase the
2 footprint of the structure. He said they are proposing to create the needed standing space so the
3 bathroom can be installed. He added that the increase in square footage will not adversely affect the
4 property value and the project will not make the dwelling appear to be overbuilt. Mr. Bates said the
5 proposed changes will be in keeping of the ordinance.
6

7 Russell Cox noted that there are two dormers being built; but only one being discussed here.
8

9 Mr. Bates said that the second dormer does not need a variance. He said the second dormer will need
10 approval from the Historic District Commission, but not a variance. Mr. Bates said they will be appearing
11 before the Historic District Commission in two weeks.
12

13 Chair Baker noted that the proposed change will occur on the back of the house and asked if it will be
14 viewable by anyone.
15

16 Mr. Bates said the change will be noticeable only to the next door neighbor.
17

18 Mr. Fitzpatrick asked if the neighbors have any objections.
19

20 Mr. Bates said there are no objections that he is aware of.
21

22 Chair Baked asked for public comments.
23

24 Michael McAndrew said they are abutters that look at the back of the house. He said that they (he and
25 his wife) are fine with the proposed change. Mr. McAndrew noted that his wife has been looking at the
26 back of that house since 1939 and thinks the proposed change is an improvement.
27

28 Holly Biddle said she was the listing agent for this property and noted that it took six months to sell the
29 property. She said she believes that the addition of the half bath will help the resale value of the property.
30

31 Chair Baked closed the Public Hearing at 7:10 pm.
32

33 Board comments:
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35 Rebecca Goldberg said the proposed project seems like a minimal increase with a lot of benefit. She
36 said she has no issue with it. Ms. Goldberg asked if the HDC should rule before the ZBA or if a motion
37 should be contingent on their approval.
38

39 Chair Baker said it would be best to move forward with any approval contingent upon approval of other
40 boards.
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42 Mr. Bates noted that the HDC would not consider their application unless the ZBA approved the variance
43 first.
44

45 *Russell Cox MOVED that the ZBA approve Case #2016-01 filed by Thomas and Martha Bates for the*
46 *property located at 36 Piscataqua Street, Map 18 Lot 30. The application for a variance to Article 4*
47 *Section 4.2 to allow a 35 square foot increase to the property building area in order to permit a third floor*
48 *half bathroom was determined to meet the following criteria: 1) granting the variance would not result in*
49 *diminution of property values, granting the variance would not be contrary to the public interest, denial of*

1 *the variance would be an unnecessary hardship to the owner, granting the variance would not result in*
2 *substantial justice and granting the variance is not contrary to the spirit of the ordinance. This approval is*
3 *conditional upon all other required approvals from other boards being granted. This motion was*
4 *SECONDED by Margaret Sofio and APPROVED unanimously.*

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6 The members discussed the progress regarding an ambiguity in the ordinance to do with the use of the
7 term “dwelling unit” and how it is defined in the ordinance. Chair Baker reported that the Town attorney is
8 reviewing the ordinance and will provide guidance.

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10 2. Approve minutes of meeting held on December 17, 2015

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12 The members provided input regarding non- substantive changes to the December 17, 2015 minutes.

13
14 *Russell Cox MOVED to accept the minutes as amended; this was SECONDED by Rebecca Goldberg*
15 *and APPROVED by a vote of 4 in favor and 1 abstaining.*

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17 3. Old Business

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19 No “Old Business” was discussed at this meeting.

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21 4. Other Business to come before the board

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23 Chair Baker noted that the Planning Board is looking at a way to streamline the approval of septic
24 systems using improved technology. He said the building inspector will be providing some input and
25 guidance on this issue.

26
27 Chair Baker said that normally the cutoff date for submitting an application for a variance to the ZBA is the
28 beginning of the month. He said he would like to set the first day of the month as the cutoff for submittal
29 of an application. The members agreed and Chair Baker said he would speak with Town Hall
30 administration about this change.

31
32 4. The next meeting date for the New Castle Zoning Board of Adjustment was set for February 18,
33 2016 at 7:00 pm.

34
35 5. Adjournment

36
37 *John Fitzpatrick MOVED to adjourn the January 21, 2016 meeting of the New Castle Zoning Board of*
38 *Adjustment at 7:27 pm; this was SECONDED by Margaret Sofio and APPROVED unanimously.*

39
40 *Respectfully submitted by,*

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42
43 *Sue Lucius, Secretary to the New Castle Zoning Board of Adjustment*