

Nottingham Zoning Board
February 11, 2014

Accepted: 4/8/2014

Members Present: Bonnie Winona-MacKinnon, Vice-Chairman (Acting Chair); Terry Bonser; Robert Davidson; Kevin Bassett

Members Absent: Romeo Danaïs, Alternate; Jim Crowell, Alternate; JoAnna Arendarczyk, Land Use Clerk

Others Present: Frank Carideo, Applicant; Roscoe Blaisdell, Surveyor; Sue Serino, Assessing Coordinator

Ms. Chairman called the meeting to order at: 7:00pm

Ms. Chairman opened the Public hearing:

Case 14-001-VA Application from Frank & Leanne Carideo for a Request for Variance from Article II Section C.1 and C.2 of the Zoning Ordinance, lot size and building distance within the set back. Tax Map 71 Lots 139/140. 47 Sachs Road, Nottingham, NH.

Article II Zoning Districts and District Regulations

C. Residential- Agricultural District

This zoning district shall encompass most of the Town of Nottingham as shown on the Zoning Map, as amended. It shall be a zone of low density residential and agricultural uses consistent with the Vision of the Master Plan to retain Nottingham's rural landscape.

1. *No lot shall be less than two (2) acres in area;*
 - a) *Each lot shall have a minimum contiguous frontage of two hundred (200') feet, including a curb cut for approved access, except to the extent with regard to frontage of back lots approved in accordance with Article IV, Section T.*
 - b) *Each single parcel of land is required to contain a driveway (curb cut) within the required minimum frontage. The required driveway may be either a single or common/shared driveway serving no more than two residences;*
 - (1) *Shared driveways will be kept to the common boundary.*
 - (2) *Shared driveways will be put in each owner's deed of record.*
 - c) *Each lot must contain a 200' x 200' square fit for building or a thirty thousand (30,000') square foot contiguous area lot envelope in which a house and septic system shall be placed to meet all existing setbacks ordinances, consisting of upland soils. However, a nonconforming lot shall be exempt from these provisions, provided it was legal under the provisions in effect immediately prior to the passage of this Ordinance or substantial amendments thereto, where approval can be granted without substantial detriment to the public interest and without substantially detracting from or nullifying the provisions and purpose of this Ordinance.*
2. *There shall be between the property line, water's edge ("reference line" as described in RSA 483-B:4 XVII), and any building, a minimum distance of fifty (50') feet, twenty (20') feet for grandfathered non-conforming lots of less than two (2) acres, as of the date of passage (03/08/94), in all directions. Special exceptions to this ordinance may be granted by the Zoning Board of Adjustment based on weighing of the following considerations, but in no case shall less than twenty (20') feet be permitted for habitable structures or nonhabitable structures of fifty (50') square feet in area or greater:*
 - a) *whether the goal set forth in N.H. RSA 674:17 I. will be infringed by granting such special exception;*

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- b) *whether the terrain or configuration of the lot make it more appropriate than not for such a special exception to be granted; and*
- c) *Whether the granting of such special exception would adversely impact neighboring parcels or rural character of the Town.*

Ms. Chairman explained to Mr. Carideo that he may reschedule the public hearing if he wishes to have a full quorum present.

Mr. Carideo stated he would like to continue the meeting with the current Board members.

Mr. Blaisdell informed the Board of the goal Mr. Carideo is looking to achieve with this Variance case. Mr. Carideo's daughter, Christina Massa, abuts his lot and uses some of his property (driveway included). He would like to adjust his lot line to make it officially his daughter's.

Ms. Chairman asked the Board members if Christina Massa would also have to be on the application since the case includes her property.

The Board decided that there needed to be supporting documents regarding Deed ownerships and a signed permission from Christina Massa giving Mr. Carideo permission to act on her behalf (if she cannot attend the meeting herself). The Board and Applicant agreed to meet again the following week (February 18, 2014) with the supporting documents.

Mr. Blaisdell continued to present the case so he would not need to return for the following meeting.

He listed off the Supporting Information:

1. Granting the variance would not be contrary to the public interest because:
 - a. The existing abutting lot would get to use what they are already using.
 - b. The abutter does not mind the shed location
2. If the Variance were granted, the spirit of the ordinance would be observed because:
 - a. The larger lot would still hold plenty of land
 - i. It was created before current zoning
 - b. The owner would not have his shed destroyed
3. Granting the Variance would do substantial justice because:
 - a. The existing abutting lot would get to still use the land they are currently occupying. The owner would be able to keep his shed.
4. If the Variance is granted, the values of the surrounding properties would not be diminished because:
 - a. A non-conforming lot would become more conforming.
 - b. The abutting owner has no objections.
5. Unnecessary Hardship
 - a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:
 - i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:
 1. The lot line adjustment would prevent future adverse possession lawsuit.

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- ii. The proposed use is a reasonable one because:
 - 1. The abutter would get land they are now using
 - 2. The owner would not have to move his shed.
- b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, 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.
 - i. The abutter is using this land.
 - ii. A lot line adjustment could end any future adverse possession case.
 - iii. The shed would avoid being destroyed.

Motion: Made by Mr. Bonser to continue **Case 14-001-VA** Application from Frank & Leanne Carideo pending an authorization letter from Christina Massa and Leanne Carideo and amend their names on the case.

The continuance is scheduled for February 18, 2014, 7:00pm.

Second: Made by Robert Davidson

Vote: 4-0-0 motion passed

Approval of Minutes

November 12th, 2013

Motion: Made by Mr. Davidson to approve the minutes of November 12, 2013 as presented.

Second: Made by Mr. Bonser.

Vote: 3-0-1 Mr. Basset abstained per his absence 11/12/2013) motion passed

Other Business/Distribution of Mail

Town & City

New RSA books are available in the office for Board Members to pick up

Adjournment at 8:10pm

Motion: Made by Mr. Bonser to adjourn

Second: Made by Mr. Davidson

Vote: 4-0-0 motion passed

Respectfully Submitted,

Sue Serino, Assessing Coordinator and JoAnna Arendarczyk, Land Use Clerk