

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **SEPTEMBER 14, 2017**

4 **PRESENT:** Daniel Schneider, Chair; Clayton Platt, Vice Chair; Aaron Simpson; William Larrow; George  
5 Neuwirt; James Lyons, Jr., Alternate Member

6 **ABSENT:** Michael Marquise, Interim Zoning Administrator

7 **ALSO PRESENT:** See Sign-in Sheet

8 Chairman Schneider called the meeting to order at 7:03 pm.

9 **CONTINUATION: CASE #17-09: PARCEL ID: 0129-0032-0000: SEEKING A VARIANCE TO REPLACE THE**  
10 **EXISTING SIGN AT CURB WITH AN INTERNALLY BACKLIT SIGN AS PER ARTICLE V, SECTION 5.31 & 5.33.**  
11 **THE PROPOSED SIGN IS A DOUBLE FACE FREESTANDING 54.5" X 63" SIGN. 541 ROUTE 11, SUGAR**  
12 **RIVER BANK.**

13 Mr. Simpson and Vice Chair Platt recused themselves from the hearing.

14 Mr. Neuwirt made a motion to accept Mr. Lyons as a voting member. Mr. Larrow seconded the motion.  
15 The motion passed unanimously.

16 Ann O'Clair, the CFO of Sugar River Bank, said that they are electing to withdraw the request for a  
17 Variance for the sign.

18 Mr. Lyons made a motion to accept the withdrawal. Mr. Larrow seconded the motion. The motion  
19 passed unanimously.

20 **CASE #17-10: PARCEL ID: 0118-0063-0000: SEEKING A VARIANCE PER ARTICLE III, SECTION 3.10 TO**  
21 **RELOCATE 8 FT X 8 FT UTILITY SHED TO ROW (RIGHT-OF-WAY); REQUEST 3 FT SETBACK FROM LOT**  
22 **LINE. 44 BURMA RD, DEAN & MAURA STETSON.**

23 Vice Chair Platt recused himself as he did the survey for Mr. Stetson.

24 Mr. Simpson made a motion to accept Mr. Lyons as a voting member for this case. Mr. Larrow seconded  
25 the motion. The motion passed unanimously.

26 Dean Stetson presented the minutes of his case. Mr. Stetson wanted to correct the notice for the  
27 meeting that had his wife's name as Malta as his wife's name is Maura.

28 Chairman Schneider gave copies of updated plans to the Board. Mr. Stetson apologized to the Board for  
29 not having the documents sooner.

30 Mr. Stetson said that the application discusses the relocation of a 8 ft by 8 ft shed that is currently on  
31 skids and not a permanent structure. The primary reason is for access around the camp, which was built

32 in the 1930s and requires some work. Mr. Stetson continued that access was the first hardship,  
33 however, after the initial application was submitted they had a significant flooding event. He reviewed  
34 the site with Scott Hazelton, the Highway Director, and he was told that the proposed location of the  
35 shed would have no impediment on the highway operations. Mr. Stetson said that there is an  
36 attachment with photos that show what they are dealing with as they are down in the hollow. He would  
37 like to move the shed to deal with drainage onto the property. Mr. Stetson continued to explain his  
38 application to the Board and where the shed would be relocated as well as the current flow of the water  
39 and their intention once the shed is moved is to build a raingarden and storm water control  
40 management.

41 Mr. Simpson asked and Mr. Stetson explained that they have applied for a Permit by Notification (PBN)  
42 from the DES Shoreland Department.

43 There was a discussion regarding Mr. Stetson's meeting with Mr. Hazelton.

44 There was a discussion regarding the proposal to move the shed within 40 ft of the centerline of Burma  
45 Rd when the setback is 50 ft in the Rural Residential Zone.

46 Mr. Stetson said that Burma Rd is an emergency access and there is not a lot of traffic on the road. Mr.  
47 Stetson said that it is also similar to other sheds and outbuilding on the street.

48 Chairman Schneider asked and Mr. Stetson confirmed that the proposed location of the shed is within  
49 15 ft of the side setback. They are maintaining the current distance of 5 ft 8 in from the property line.  
50 There was further discussion regarding this matter as Mr. Neuwirt said that he thinks that there should  
51 also be a Variance request for the side setback. Mr. Stetson explained that he does not have road  
52 frontage on Burma Rd. There was further discussion regarding these matters.

53 Chairman Schneider asked and Mr. Stetson confirmed that the shed is used as a storage shed for tools  
54 and such. They do not keep many oil based items there but that is where they would keep them. The  
55 property is in need of repairs and currently not used extensively.

56 Mr. Simpson asked why the shed is being moved closer to the house as the shed will be within the  
57 setbacks on two sides. If the shed was slid down it could be out of one setback and not within the  
58 drainage area. Mr. Stetson said that he is not changing one of the current setbacks. Mr. Simpson said  
59 that he thinks that Mr. Stetson needs to apply for a Variance for both setbacks as there is currently  
60 nothing where the shed is proposed to be located. Moving the shed to a different place on the property  
61 would require a Variance for both setbacks.

62 There was a discussion regarding Mr. Stetson's reasoning for the proposed location of the shed. The  
63 proposed location of the shed is the highest and driest part of the property and is currently a bluestone  
64 parking lot.

65 Mr. Neuwirt said that he does not think that the application is filled out properly because Mr. Stetson is  
66 supposed to be seeking a 10 ft road front reduction. Chairman Schneider said that it is an odd situation  
67 as it they are asking for two property line setback reductions. There was further discussion regarding

68 these matters and if Burma Rd has a 40 ft or a 50 ft setback as it is Town maintained but doesn't meet  
69 Town standards.

70 Mr. Neuwirt asked and Mr. Stetson said that the shed has been in the current location for at least 15  
71 years. Mr. Neuwirt asked the Board if there is a big difference from Mr. Stetson tearing the shed down  
72 and rebuilding it in its current location from moving the shed to a new location because Mr. Stetson  
73 would be violating three different things. Chairman Schneider agreed as there is a 15 ft side setback,  
74 there is a 15 ft property line setback, and the road frontage setback, all of which are shown on the  
75 survey. There was another discussion regarding if Mr. Stetson moved the shed as it would address the  
76 issues with two of the setbacks.

77 Mr. Stetson said that he thought if they kept the shed the same distance from the side property line it  
78 would not require a Variance. The requested Variance is for the front setback. Mr. Stetson said that he  
79 explained this to Mr. Marquise and feels as though he followed through on his instructions. There was  
80 further discussion regarding these issues.

81 There was another discussion regarding moving the shed out of the setbacks and about the wording of  
82 the application.

83 Mr. Stetson asked if Chairman Schneider is asking him to resubmit the application. Chairman Schneider  
84 explained that he thinks that Mr. Stetson should be asking to put the shed within the front property  
85 setback and the road setback as well as the side setback. Mr. Simpson explained that Chairman  
86 Schneider thinks that he needs to submit an application asking for a Variance for two side setbacks and  
87 one road setback. Mr. Stetson asked and Chairman Schneider confirmed that he would not need a  
88 Variance if the shed was placed outside the setbacks. Mr. Stetson asked and the Board confirmed that  
89 demolishing the building would not be something they would have jurisdiction over. There was further  
90 discussion regarding what would be required if Mr. Stetson moves the proposed location of the shed as  
91 well as about the required application if he wants to keep the currently proposed location.

92 Mr. Platt said that he is not sure that Mr. Marquise was aware that the shed would be within the 50 ft  
93 setback as for the application they originally thought that the shed was 3 ft from the side property line.  
94 If the Variance was granted for the side setback for 5 ft 8 ft then Mr. Stetson could come back and ask it  
95 to be closer to the road or he can move it further from the road and property line.

96 Mr. Simpson asked and Mr. Stetson confirmed that the shed is on skids and he could probably move it  
97 with his truck. Mr. Simpson said that it might not be a structure if it does not have a fixed location on  
98 the ground. There was further discussion regarding this issue as the shed has been in the same location  
99 for 15 years.

100 Chairman Schneider said that he would find it difficult to approve all the increases in non-conformity.

101 Chairman Schneider said that it is up to Mr. Stetson whether or not he wants to continue with the  
102 hearing, however, the only thing that has been requested is the 3 ft setback from the lot line, it does not  
103 include the setback from the side line nor the setback from the centerline of the road. There was

104 further discussion regarding if Mr. Stetson wants to keep the shed where he has proposed it going as it  
105 will require additional applications to be completed and additional fees as the abutters need to be  
106 noticed.

107 Mr. Stetson said that he will need to ask for another Variance or he will demolish the structure.

108 There was a brief discussion regarding the pictures Mr. Stetson submitted to the Board and the water on  
109 the property.

110 Mr. Neuwirt said that if Mr. Stetson applies for another Variance, he will be asking for 9 ft 2 in of relief,  
111 leaving 5 ft 8 in.

112 There was another brief discussion about Mr. Stetson changing the proposed location of the shed or  
113 demolishing it.

114 Mr. Simpson asked Mr. Stetson to get documentation from Mr. Hazelton that the road does not meet  
115 Town standards as he does not believe the Statute applies if the road does not meet Town standards.  
116 However, he is not telling Mr. Stetson to not apply for the Variance for the road setback as other Board  
117 members may not feel the same way that he does. There was further discussion regarding this matter.

118 Mr. Stetson said that he would like to continue the hearing.

119 Mr. Simpson made a motion to accept Mr. Stetson's request to continue the case. Mr. Larrow seconded  
120 the motion. The motion passed unanimously.

121 **CASE #17-11: PARCEL ID: 0133-0010-0000: SEEKING A VARIANCE PER ARTICLE III, SECTION 3.10 TO**  
122 **CONVERT AN EXISTING DECK TO A THREE SEASON PORCH THAT IS WITHIN 10 FT SIDE SETBACK. 26**  
123 **HIGH ST, JOSH & PATTY BROWN.**

124 Jack Krantz and Josh Brown presented the merits of the case.

125 Mr. Krantz explained that the Brown's would like to build a three-season porch on top of an existing  
126 deck so they will not be encroaching upon the setback any more than what is existing. They have letters  
127 from all the abutters that they are in favor of the proposal. Mr. Krantz continued that it will not be  
128 visible from the road side and only one abutter will be able to see it as that structure is 160 ft away. The  
129 lot is non-conforming and is 0.22 acres.

130 Mr. Krantz said that he was not able to get in touch with Mr. Marquise so he completed the application  
131 without guidance.

132 Mr. Krantz explained that the deck wraps around the house and will be used as the foundation for the  
133 three-season porch. Mr. Brown said that it will extend the existing side of the house a little but it is not  
134 encroaching any more on the setback. There was further discussion regarding the footprint of the deck  
135 and what will be enclosed.

136 Chairman White asked if anyone in the audience has any comments. Cory Flint, an abutter of the  
137 property, said that he thinks the proposal will be an improvement to the property.

138 Mr. Simpson asked and Mr. Krantz explained that the three-season porch will be an enclosed room with  
139 windows and will not have heat. There will be a door from the house to the porch to let heat through  
140 and the porch will be insulated.

141 Vice Chair Platt said that he thinks that it is significant that the deck is already there and the request is  
142 regarding a side setback on a very small lot and that it is not a waterfront setback. He thinks that the  
143 proposal is reasonable.

144 Chairman Schneider asked and there were no further questions or comments for the applicant so he  
145 closed the meeting to public input.

146 Vice Chair Platt made a motion to approve Case #17-11: Parcel ID: 0133-0010-0000: seeking a Variance  
147 per Article III, Section 3.10 to convert an existing deck to a three-season porch that is within 10 ft of the  
148 side setback; 26 High St; Josh and Patty Brown. Mr. Larrow seconded the motion. Chairman Schneider  
149 said that the proposal is reasonable and not detrimental to the neighborhood. Mr. Neuwirt said that he  
150 thinks that his argument against the project is that the applicant's reason for hardship is that the lots  
151 were created before the Zoning Ordinance. Mr. Simpson said that he thinks that they are saying that it  
152 is a non-conforming lot. Mr. Neuwirt said that is not a hardship; he has no issue with the project and  
153 thinks that it is reasonable but he does not think that the burden has been met. Mr. Larrow said that he  
154 does not disagree with Mr. Neuwirt. He looked at the site and it looks as though it is an excellent  
155 project, there is just no hardship. Vice Chair Platt said that he thinks that the hardship is that the lot is  
156 small and the pre-existing house is 7 ft from the property line; to put a three-season porch somewhere  
157 that it would conform would have a lot more impact on the property. Chairman Schneider said that the  
158 proposal does not really increase the non-conformity as it is not any closer to the property line than  
159 what is there and is not any higher than the rest of the house and they have support of the neighbors.  
160 Mr. Simpson said that he thinks that it is a reasonable request to not want to add living space elsewhere  
161 on the property when there is so little open space. Mr. Simpson requested that the hearing be opened  
162 back up to public comments to hear more about the hardship. Chairman Schneider asked the applicants  
163 to go over the criteria for the Variance.

164 Mr. Krantz went through the submitted criteria for the Board. Mr. Larrow asked and Mr. Flint confirmed  
165 that the 160 ft to his house is all part of his lot. Mr. Larrow asked if there is a chance that the  
166 neighboring lot is subdividable or if any of the open space will be built on that would negate the  
167 argument of the 160 ft of open space. Mr. Flint said that he will be going to the Planning Board in  
168 November to relocate the driveway closer to the property line being discussed because their existing  
169 driveway is on a corner and dangerous and it would render that area unbuildable.

170 Mr. Krantz continued to go through the submitted criteria for the Variance. Mr. Simpson why Mr.  
171 Krantz said that moving the porch would block the view and Mr. Krantz explained that if it went on the  
172 western side of the house, which is the side with the living room / dining room which looks out over the  
173 fields. Mr. Simpson asked if Mr. Krantz's argument supports replacing the building with a bigger

174 building. Mr. Krantz said that they are building in the same footprint of the deck that is already there.  
175 There was further discussion regarding this matter.

176 Chairman Schneider asked and there were no further comments or questions for the applicant so he  
177 closed the meeting to public comment.

178 Mr. Simpson said that the building is an old building on an old lot and other than tearing down the  
179 whole building and relocating it on the lot, and it is a hardship. He believes that it is a hardship to  
180 require the building to be moved. Mr. Neuwirt asked if Mr. Simpson is blaming the Zoning restrictions  
181 on the situation. Mr. Simpson said that he is blaming the fact that it is a pre-existing house on a pre-  
182 existing lot and the only way it can be accomplished would be to move the whole building, which would  
183 be a hardship. They also have a pre-existing footprint. There was further discussion regarding this  
184 matter.

185 The motion passed with four in favor and one opposed.

186 **MINUTES**

187 Changes to the minutes from the August 10, 2017 Zoning Board Meeting: There were no changes  
188 made.

189 Mr. Simpson made a motion to accept the August 10, 2017 minutes as presented. Vice Chair Platt  
190 seconded the motion. The motion passed unanimously.

191 **MISCELLANEOUS**

192 There was a discussion about the last meeting when Sugar River Bank asked to continue the case.

193 The Board is invited to go to the next Planning Board meeting to go over the proposed Zoning  
194 Amendments.

195 Vice Chair Platt made a motion to adjourn the meeting at 8:19 pm. Mr. Larrow seconded the motion.  
196 The motion passed unanimously.

197 Respectfully submitted,

198 Melissa Pollari

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200 Zoning Board of Adjustment

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202 Daniel Schneider

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Aaron Simpson

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204 Clayton Platt

William Larrow

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206 George Neuwirt

Jim Lyons, Alternate