

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **NOVEMBER 9, 2017**

4 **PRESENT:** Clayton Platt, Vice Chair; William Larrow; George Neuwirt; James Lyons, Jr., Alternate
5 Member; Nicole Gage, Zoning Administrator

6 **ABSENT:** Daniel Schneider, Chair; Aaron Simpson

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

8 Vice Chair Platt called the meeting to order at 7:05 pm.

9 Mr. Larrow made a motion to have Mr. Lyons sit as a voting member for Daniel Schneider. Mr. Neuwirt
10 seconded the motion. The motion passed unanimously.

11 **CASE #17-13: PARCEL ID: 0133-0106-0000: SEEKING A VARIANCE PER ARTICLE 3.4, SECTION C TO**
12 **REPLACE EXISTING GARAGE AND THE LOCATION OF NEW GARAGE. THE NEW GARAGE LOCATION**
13 **WILL BE WITHIN THE MINIMUM SETBACK OF 50' BETWEEN THE STRUCTURE AND WATER BODY. 29**
14 **MAPLE ST, BRADEN & NATALIE MILES.**

15 Vice Chair Platt explained that there are only four voting members for the meeting and the applicant will
16 need three votes in favor of the application for approval and asked the applicant if he would like to
17 proceed. Braden Miles determined to proceed with the hearing and presented the merits of his case.

18 Mr. Miles explained to the Board that the existing garage on his property is about 5 ft from the road and
19 they want to tear it down and build a new one. The sight distance from the current garage is difficult
20 and the garage is in bad shape and needs to be taken down. It will be moved further from the stream
21 than the current garage is located.

22 There was a discussion regarding the stream as it is not named or a large body of water but Mr.
23 Marquise said that a Variance is required.

24 Vice Chair Platt asked and Mr. Miles said that the existing garage is 18 ft by 24 ft and located about 5 ft
25 from the edge of Maple St and 15 ft from the centerline.

26 Mr. Larrow asked about the plan for the deck and Mr. Miles explained that it is not part of the Variance
27 application.

28 Vice Chair Platt asked and Mr. Miles confirmed that the property is located in the Village Residential
29 District, which requires a road setback of 40 ft and the garage will be 40 ft from the road. The Variance
30 request is because they are closer than 50 ft to the stream.

31 Mr. Larrow asked about the proposed lot coverage and Mr. Miles explained that he and Mr. Marquise
32 determined that they are under the maximum lot coverage; he does not know the actual calculation but
33 thinks that they are less than 10%.

34 Vice Chair Platt asked why the garage cannot be 50 ft from the stream. Mr. Miles explained that the lot
35 is small and there isn't another place it can go and meet all the setbacks. Vice Chair Platt asked about
36 the stone wall along the house and Mr. Miles explained that it is a retaining wall because the house sits
37 up a bit and then there is a bank. The 4 ft left between the proposed garage and the stone wall seemed
38 like it would be adequate space to walk. There was further discussion regarding this matter.

39 Mr. Neuwirt asked where in the Zoning Ordinance it says that a building must be more than 50 ft from a
40 stream. Vice Chair Platt said that he thinks that it is because the stream is a water body and shows up
41 on the USGS map, which is what constitutes a water body as per the definition on page 54 of the Zoning
42 Ordinance. There was further discussion regarding this matter.

43 The Board briefly discussed their thoughts regarding the proposed garage.

44 Vice Chair Platt asked and Mr. Miles said that the proposed garage will be 8 ft to 10 ft from the stream,
45 which currently runs almost underneath the current garage. Mr. Larrow asked and Mr. Miles said that
46 he has not had the current garage flood, even with all the recent rain. There was further discussion
47 regarding the proposed garage location.

48 Mr. Neuwirt asked why the application does not give an actual distance from the water body so that the
49 Board can vote on the relief that the applicant is seeking. There was further discussion regarding this
50 matter and Mr. Miles said that the garage will be no closer than 8 ft from the closest point of the
51 stream.

52 Vice Chair Platt asked and there were no more questions for Mr. Miles from the Board or from the
53 audience and he closed the public input portion of the hearing. The Board briefly discussed their
54 thoughts regarding the proposed garage. The Board determined that they would like Mr. Miles to go
55 over the facts supporting his request. Vice Chair Platt opened the hearing to public input.

56 Mr. Miles read the facts supporting his Variance request to the Board from his application.

57 Mr. Neuwirt made a motion to approve Case #17-13: Parcel ID: 0133-0106-0000: seeking a Variance
58 per Article 3.4, Section C to replace existing garage and the location of new garage; the new garage
59 location will be within the minimum setback of 50 ft between the structure and water body; 29 Maple
60 St, Braden and Natalie Miles; and that an 8 ft setback be respected between the right side of the garage
61 and the body of water. Mr. Lyons seconded the motion. The motion passed with three in favor and one
62 opposed.

63 **CASE #17-14: PARCEL ID: 0129-0008-0000: SEEKING A VARIANCE PER ARTICLE III, SECTION 3.10 TO**
64 **REPLACE EXISTING GARAGE AND THE LOCATION OF NEW GARAGE. THE NEW GARAGE FOOTPRINT**
65 **WOULD REDUCE THE SIDE SETBACK FROM 10' TO 0' AND REDUCE THE FRONT SETBACK FROM 40' TO**

66 **23'. THE PLAN WOULD ADD A SECOND FLOOR FOR A WORKSHOP AND A 4' WIDE BREEZEWAY FROM**
67 **THE GARAGE TO HOUSE. 37 LOWER MAIN ST, GREGORY K YOUNG.**

68 Gregory Young presented the merits of his case.

69 Mr. Young explained that he would like to rebuild the garage and add a workshop. He thought it would
70 be better to bring the footprint closer to the house which would bring the setbacks almost to
71 compliance. Currently, the garage is only 3.5 ft from the back line. He would like to propose a 9 ft rear
72 setback and 8 ft at the closest point. Mr. Young said that he'd be willing to bring the garage a little
73 closer to the house to change the side setback to 10 ft. Vice Chair Platt said that he believes the setback
74 is measured as what is parallel to the property line so they are looking at the 8 ft measurement.

75 Mr. Young said that he is not changing footprint from the road setback. Mr. Young asked and Vice Chair
76 Platt confirmed that the setback is measured from the centerline of the road. Mr. Young said that will
77 remain 23 ft from the centerline.

78 Mr. Young said that he would like to have a covered breezeway between the house and the garage. Vice
79 Chair Platt asked and Mr. Young confirmed that the breezeway would be within the road setback but
80 within the current setback line.

81 Mr. Young said that he is working with DES to get a Shoreland Permit because he is within 250 ft of the
82 Sugar River.

83 Mr. Young said that he is trying to improve the impermeability of the lot and would like to move the
84 door of the garage. He is working to get the lot coverage from 53% to 42%, so he will reseed the front
85 area which is currently a sand and gravel parking.

86 Vice Chair Platt asked and Mr. Young confirmed that Mr. Marquise did not see a problem with the
87 second floor addition.

88 Mr. Young continued discussing the merits of his case.

89 Mr. Larrow said that if the application is approved it would be subject to DES approval.

90 Vice Chair Platt said that this proposal makes the garage more conforming than it currently is except for
91 the addition of the breezeway. Vice Chair Platt asked how far the breezeway will be from the road. Mr.
92 Young said it will be at least 5 ft from the edge of the garage.

93 Vice Chair Platt asked and Mr. Young read the facts supporting his request from his application. Mr.
94 Young also explained why changing the location of the garage is best for sight distance for traffic.

95 Mr. Neuwirt said that he is confused by the application because if the wording on the application is
96 correct then two Variances are required because there is a side setback reduction and a front setback
97 reduction. Additionally, the breezeway would require a Variance because it is close to the road. He
98 thinks that one Variance request needs to be that the new building will be 6 inches closer to the center
99 of the road than it is now. Mr. Neuwirt continued that he does not understand the way the request for

100 the side setback is written but it does look like it is an improvement. Also, the breezeway is an
101 additional structure so it would require an additional Variance.

102 Mr. Young explained that one end of the garage is 12.5 ft from the edge of the road and the other end is
103 13 ft so he would like to square up the building and make it parallel to the road and be 13 ft from the
104 edge of the road at both ends.

105 Mr. Young said that when he spoke with Mr. Marquise it was explained that the breezeway would be
106 located within the general footprint of the buildings that are currently there and not closer to the road.
107 Mr. Neuwirt said that it is a new structure that requires relief from the setback. It is not more non-
108 conforming but it is a new structure. There was further discussion regarding this matter and that Mr.
109 Young should go through the building permit process for the breezeway and then if it is determined a
110 Variance is required for it he can come back to the Board.

111 There was a discussion regarding the way that the notice was written for the hearing and a discussion
112 regarding the wording of a motion. There was a discussion regarding moving the edge of the garage
113 further from the side setback to make it compliant and reducing the length of the breezeway.

114 Mr. Larrow made a motion to approve Case #17-14: Parcel ID: 0129-0008-0000: seeking a Variance per
115 Article III, Section 3.10 to replace existing garage and the location of new garage; the new garage
116 footprint would reduce the rear setback from 10' to 8' and reduce the front setback from 40' to 23'; the
117 plan would add a second floor for a workshop and a 4' wide breezeway from the garage to house 37
118 Lower Main St, Gregory K Young; subject to no determination being made in relationship to the
119 breezeway with this approval and also subject that all construction complying with an approved DES
120 permit. Mr. Neuwirt seconded the motion. The motion passed with three in favor and one against.

121 **MINUTES**

122 Mr. Larrow made a motion to continue the minutes until the next meeting. Mr. Lyons seconded the
123 motion. The motion passed unanimously.

124 **MISCELLANEOUS**

125 Mrs. Gage explained that the Zoning Board received a request for a rehearing for the Pinkowski case and
126 the Board needs to discuss potential dates as the December meeting is 35 days after receipt of the
127 request. The applicant has waived their rights to the 30 days requirement to do the rehearing as Ms.
128 Pinkowski would like to be present. However, she's been advised to make sure with Town Counsel that
129 is acceptable. Most of the Board said that they would be available to meet on November 28th and the
130 other members said that they will let Mrs. Gage know.

131 Mr. Larrow made a motion to adjourn the meeting at 8:05 pm. Mr. Larrow seconded the motion. The
132 motion passed unanimously.

133 Respectfully submitted,

134 Melissa Pollari

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139 Zoning Board of Adjustment

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141 Daniel Schneider

Aaron Simpson

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143 Clayton Platt

William Larrow

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145 George Neuwirt

Jim Lyons, Alternate