

RECEIVED AND RECORDED

Aug 8, 2013 M

**Wolfeboro Zoning Board of Adjustment
Regular Meeting
August 5, 2013
Minutes**

Book No. _____ Page No. _____
[Signature]
WOLFEBORO TOWN CLERK

Members Present: Alan Harding, Chairman, Steve McGuire, Clerk, Kathy Barnard, Member, Mike Hodder, Member, David Senecal, Alternate and Hank Why, Alternate

Members Absent: Suzanne Ryan, Vice-Chairman, Fred Tedeschi, Alternate

Staff Present: Rob Houseman, Director of Planning & Zoning and Robin Kingston, Administrative Assistant

Alan Harding called this meeting to order at 7:00 PM in the Wolfeboro Town Hall Meeting Room. A quorum was present.

The Rules and the Procedures for the Public Hearings were reviewed.

Appointments

TM# 221-31

Case # 06-EW-13

Applicant: E. David & Carolyn Hoffman

Equitable Waiver

Agent: Jim Rines, White Mountain Survey

Hank Why was seated for the hearing.

Steve McGuire read the Public and Abutter Notice for the record. A site visit was held at approximately 6:35 PM prior to the hearing.

Public Hearing for an Equitable Waiver of Dimensional Requirements from Article XIII A, Section 175-88.3 of the Wolfeboro Planning & Zoning Ordinance to allow for a minor setback violation discovered when measuring for a covered walkway building permit. This property is located at 30 Red Brook Circle.

The applicant, as part of the work to prepare the application for a variance, discovered an existing encroachment into the front setback of one (1) foot. The encroachment has existed for 17 years.

Jim Rines addressed the Board and reviewed the plan, application and four points required for the equitable waiver as submitted. The home was constructed 17 years ago and the intent was to have the dwelling situated parallel with Red Brook Circle. In doing survey work for the

proposed covered stoop, it was discovered the building was not completely parallel with Red Brook Circle. It starts out fully compliant (30') at one side of the garage and by the time it gets to the other corner of the garage it is only 29'. There was a 1' violation of the setback at the time of construction that had never been discovered until recently.

Mike Hodder asked Rob Houseman if there have been any violation letters to this property in the past 10 years pertaining to this setback issue.

Rob Houseman responded there has not and furthermore the towns GIS system shows the dimensions 1' larger along the front.

Jim Rines noted the Hoffman's have lived in the property since it was built.

Letters of support were received from David Guthrie, 32 Red Brook Circle and Richard and Elaine Haggerty, 42 Red Brook Circle and have been made part of the file.

Gary Gosbee, 28 Red Brook Circle spoke in favor of the application and the modification proposed both as a direct abutter and as the secretary representing the Wentworth Estate Association.

No persons spoke against the application.

Chairman Harding closed the public hearing.

Deliberations:

Steve McGuire noted this application is a perfect example as to why there is an Equitable Waiver relief mechanism.

Alan Harding noted he believes the statements made relative to the discovery of this encroachment are true and burden of proof has been met.

It was moved by Steve McGurie and seconded by Kathy Barnard in the Case of #06-EW-13, E. David & Carolyn Hoffman, case of Equitable Waiver of Dimensional Requirements that it be granted given they have met all the requirements to receive such a Waiver of Dimensional Requirement. All members voted in favor. The motion passed.

TM# 221-31

Case # 07-V-13

Applicant: E. David & Carolyn Hoffman

Variance

Agent: Jim Rines, White Mountain Survey

David Senecal was seated for his hearing.

Steve McGuire read the Public and Abutter Notice for the record. A site visit was held at approximately 6:35 PM prior to the hearing.

Public Hearing for a Variance from Article XIII A, Section 175-88.3 of the Wolfeboro Planning & Zoning Ordinance to allow for the addition of a covered entry to the front door of the residence. This property is located at 30 Red Brook Circle.

The applicant proposes to construct a covered entry, 5' deep. The proposal encroaches 1.6' into the front setback from the property line. Note, the lot is bi-fractured by the zoning district the ((Rural Residential District (RRD) and the Shorefront Residential District (SFR)). The Shorefront standards do not impact this application (the front setback is the same in the SFR and the RR Districts)

Jim Rines addressed the Board and reviewed the plan, application and five points required for the variance as submitted. The applicant proposes to construct a 5' wide covered walkway including the roof overhang out from the face of the existing structure. The purpose of this is to improve safety so that the walkway steps are covered so as you would be less likely to have steps ice covered.

Steve McGuire noted if the property had been located correctly and parallel this variance would not be necessary.

Jim Rines concurred.

Letters of support were received from David Guthrie, 32 Red Brook Circle and Richard and Elaine Haggerty, 42 Red Brook Circle and have been made part of the file.

Gary Gosbee, 28 Red Brook Circle spoke in favor of the application and the modification proposed both as a direct abutter and as the secretary representing the Wentworth Estate Association.

No persons spoke against the application. The public hearing was closed.

Deliberations:

Steve McGuire noted the variance would not be contrary to public interest and the spirit of ordinance is observed; substantial justice is done; there will be no diminution of surrounding property value; literal enforcement is true. This is because of a mistake 17 years ago and he feels the applicant has met all of the criteria.

Kathy Barnard agreed the applicant has met all criteria. This is a small request that would correct a significant safety issue. Further, there is support from abutters, neighbors and the association.

Mike Hodder noted the purpose of the ordinance is to ensure low-density housing and if this application were granted it would not injure that purpose; therefore, public interest gains nothing by denying the application. There is nothing gained by a strict enforcement and the town loses nothing by a relaxation; therefore substantial justice is done. Property values are likely to remain the same if not increase. Special conditions do not apply to the property but do apply to the house in this case; the error is not the applicant's responsibility. The error was made in good faith and noted would allow for a special condition to exist. There is no fair and substantial relationship between the application of the ordinance and the property. The proposed use is in keeping with the uses in the neighborhood. All five requirements have been met.

David Senecal agrees the criteria have been met and there are direct abutters with letters of support as well as the Associations support.

Alan Harding agreed with all of the preceding comments.

It was moved by David Senecal and seconded by Kathy Barnard to grant approval for Case # 07-V-13, a variance application. All members voted in favor of the motion. The motion passed.

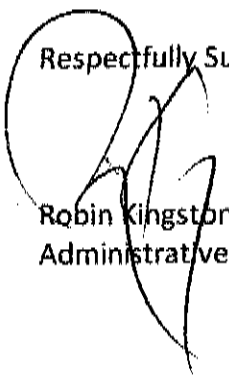
Consideration of Minutes:

1 July 2013

It was moved by Kathy Barnard and seconded by David Senecal to approve the Minutes of 1 July 2013 as submitted. All members voted in favor. The motion passed.

There being no further business, this meeting was adjourned at 7:30 pm.

Respectfully Submitted,


Robin Kingston
Administrative Assistant