

RECEIVED AND RECORDED

April 14, 2015 M

Wolfeboro Zoning Board of Adjustment
Regular Meeting
6 April 2015

Book No. _____ Page No. _____
Ryan Waterman
WOLFEBORO, N.H. TOWN CLERK

Minutes

Members Present: Alan Harding, Chairman, Mike Hodder, Vice Chairman, Fred Tedeschi, Clerk, Suzanne Ryan, Member, and Christine Franson, Alternate and David Senecal, Alternate

Members Absent: Hank Why, Member (Excused)

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 Public Library Meeting Room. A quorum was present.

Alan Harding reviewed the Rules of Procedure for the Public Hearings.

Public Hearings:

TM# 164-1

Case # 1-V-15

Applicant: Reginald II & Susan Roome

Variance

40 South Kenny Shores Road

Agent: Attorney Walker

David Senecal was seated for Hank Why.

Fred Tedeschi, Clerk, read the public and abutter notification. A site visit was held at approximately 6:30 pm. Minutes of the site visit were submitted and are part of this record.

Public Hearing for a Variance from Article 175, Section 64 of the Wolfeboro Planning & Zoning Ordinance to allow for the razing of an older existing non-conforming (violates sideline & shoreline setbacks) detached one story garage and construct a new two story attached garage, with mudroom, stairs and a second floor office and storage which is more conforming relative to both setbacks. This property is located at 40 South Kenny Shores Road.

The applicant submitted an existing conditions survey and owner modified plan showing the proposed garage location.

The existing garage falls within the shoreland setback by approximately 10' and the side yard setback approximately 19'. The applicant desires to raze the existing two car garage and construct a new two car garage, with an office on the second floor, in a proposed new location that would subsequently reduce the existing encroachments.

Attorney Walker addressed the Board and reviewed the application, and plans as submitted and reviewed the 5 criteria required for a variance.

Alan Harding asked if the 2 story garage is attached and include a bathroom. Additionally he asked Attorney Walker to elaborate on the size of the lot.

Attorney Walker stated the existing garage is not attached but the new one will be attached and not include a bathroom. The existing lot he believes is .369 acres and he looked at 5 properties to the northeast and 5 to the south and west and this is the smallest of the 10 lots.

Reginald Roome commented the garage and mudroom is no bigger than what exists now. It is about 800 sq. ft.. Their intent is to keep it as low as possible, but will be taller than it is now; the proposed garage will not be higher than the dwelling. There will be no bath on the second floor.

Mike Hodder asked if there will be a kitchen on the second floor.

Attorney Walker stated there will be no other living space other than an office.

Reginald Roome and Attorney Walker depicted on the plan where the septic system is located and will remain in its present location.

Alan Harding read a letter dated March 30, 2015 and received on April 1, 2015 from Robert & Judith O'Keefe, 18 South Kenney Shore Road in favor of the application.

Attorney Walker also submitted a letter dated January 29, 2015 from Mitchell and Anne Kalter, 36 South Kenny Shore Road, who are the closest abutters to the garage noting they are in complete support of the application for the variance.

There being no further comment the public hearing was closed and the Board deliberated on the application.

David Senecal commented he feels the application meets criteria # a as the proposed garage will be more compliant than what currently exists. The Spirit of the Ordinance is observed as it will continue as a residential use and the proposed will be setback further

from Lake Wentworth. The garage will be code complaint and decrease current setback violations. A new code complaint structure will be an added value to the property and surrounding neighborhood. The restriction of the size of the property as well as the shoreline and sideline setbacks meet the special conditions requirement.

Chris Franson commented the owner could rebuild on the existing footprint but this proposed plan would make the new garage more code complaint. As a condition of approval maybe the total square footage could be specified, including the eaves.

Mike Hodder congratulated the applicant a clean application and well-argued application. Points 1 & 2 help to protect the shorefront better than in a way that is currently being done by the existing structure. The town gains nothing by enforcing the current zoning and more by relaxing the ordinance; the new structure will be more code conforming. Both the town and the applicant will benefit from this proposal. He cannot see the proposal will decrease property values. The property has special conditions as in size of the lot. If the ordinance was applied strictly there would be a less conforming pre-existing structure remaining in place and clearly that is not positive result. Additionally the proposed use will not alter the character of the neighborhood.

Suzanne Ryan commented the proposed garage will bring the property more into compliance. The essential character of the neighborhood will remain unchanged. The benefit to the applicant is clear and the structure will be brought into new code compliance. The surrounding property values will not be diminished because the old garage will be removed and new structure will be code complaint. This is the smallest lot in the area and the proposed will be located further from the lake, more in compliance with the 20' setback and increase the neighbors' privacy. The new footprint will be the same as or smaller than the current one. Building a new structure will increase the property values.

Fred Tedeschi agreed with the previous comments and noted this is a good proposal as they are bringing a non-conforming property closer into conformity.

Alan Harding commented he agrees with previous comments from the Board and there is not a single loser in the proposed application; everyone benefits, the town, applicant, and neighborhood. He is satisfied all of the criteria have been met.

It was moved by Suzanne Ryan and seconded by Mike Hodder to approve the Variance for 40 South Kenney Shore Road, TM# 164-1, Case #1-V-15 for relief from Section 175-64 of the Zoning Ordinance to demolish a one story detached garage and construct a 2 story attached garage which will make it more complaint with the setbacks.

Suzanne Ryan made an amendment to the motion that there be no sleeping or living quarters on the second story.

The Board discussed the amendment.

The amendment failed for lack of a second.

It was moved by Suzanne Ryan and seconded by Mike Hodder to add the following conditions the Planner has recommended:

1. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of the approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
2. The application, as submitted to the ZBA, may not satisfy all applicable requirements for a Building Permit.
3. The Notice of Decision shall be recorded at the Carroll County Registry of Deeds and the applicant shall pay recording fees.
4. This variance shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the Zoning Board of Adjustment for good cause.

Chris Franson asked about a condition relative to the size.

Rob Houseman explained the property is governed by the Shoreland Residential Ordinance which has a lot coverage maximum of 30%. The coverage currently is 34%. They cannot the lot coverage on this property. It has to be equal or less than what is on the site today. Additionally once the structure is attached to the house and it is integral to the principal dwelling it is not considered an accessory structure and habitable space is allowed on the second floor over the garage, which the office is. They could convert the space to sleeping quarters; however that would trigger a septic loading issue. There are plenty of garages where the master bedroom is located over a garage.

All members voted in favor of the original motion and the second amendment. The 2nd amendment and the motion passed.

Consideration of Minutes:

1 December 2014

Page 4 – 3rd line – change are to area.

6th line from the bottom – change matriculate to migrate

Page 9 – 8th paragraph from the top – change lue to lieu

Page 10 – 3rd paragraph insert the word “sent” after was

5th paragraph from the bottom – change cop to copy

Page 15 – 5th paragraph from the top – add the word “packet” after our

Page 16 – last paragraph add the word “to” after out

It was moved by Mike Hodder and seconded by Fred Tedeschi to approve the minutes of 1 December 2014 as amended. All members voted in favor. The motion passed.

Board Discussion Items:

Suzanne Ryan was excused and left the meeting.

Mike Hodder discussed the information sheet given to the applicant and application package for a Variance. There are grammatical changes that should be made. Additionally sometimes applicants complete Section 5 A 1 & 2 and also B. The changes should address this issue. The recommended changes will be given to staff and the form will be updated.


There will be a re-organization of the Board in May as the Selectmen have not made the re-appointments yet.

Mike Hodder also suggested the ZBA having work sessions like the Planning Board does. Findings of Fact is a subject that he would like to see addressed.

The Board decided a re-organization of the Board and work session be planned for the first meeting in May.

There being no further business this meeting was adjourned at 7:57 pm.

Respectfully Submitted,



Robin Kingston
Administrative Assistant

attachment

Wolfeboro Zoning Board of Adjustment Site Visit Minutes Checklist

Project Name: ROOMS / GARAGE
 Applicant: ROOMS
 Site Date: 4/6/15
 Time Arrived: 6:30
 Time Departed: 6:40

	Owners/Applicant Present
	ZEG ROOMS
	SARAH ROOMS ROOMS
	RANDY WALKER

	Board Members Present
✓	W. Alan Harding
✓	Suzanne Ryan
✓	Mike Hodder
✓	Fred Tedeschi
	David A. Senecal [EARLY VISIT]
	Hank Why (EXCUSED)
✓	CHRISTINE FARNSWORTH

Submitted by:  Date: 4/6/15