

**Town of Gilmanton
Zoning Board of Adjustment Minutes
Thursday, October 16, 2008**

Chairman Elizabeth Hackett called the meeting to order at 7:05 P.M. Members in attendance were Elizabeth Hackett, Carolyn Baldwin, Israel Willard. Also Annette Andreozzi, Land Use Clerk & Lynne Brunelle, Planning Admin.

Chairman Hackett gave an overview of the Zoning Board of Adjustment's hearing procedures to the applicants and members of the public in attendance and introduced the board. She explained that there must be 3 votes in favor for approval and if applicants want to postpone till more board member are available they may, without penalty.

Public Hearing Case #11-2008 – Paul & Dianne Preston: Request for Variance from Article VII.B.3 to add 8'x 4' deck, landing and stairs, which will not meet side setback, off existing 22' x 30' single-family dwelling located on .29-acre lot at 3 Fir Avenue in the Residential Lake District; Town Tax Map/Lot #119-11.

Dianne Preston thanked the board for rescheduling her hearing from last month, when there was a family emergency. She explained that there is an existing door off their porch, with a 6' drop to grade, having no landing or stairs. They would like to have a usable second exit from their home. The property abutting, where they would not meet the setback, she felt was too small for anyone to do anything.

Chairman Hackett asked if the house has an enclosed porch? (Answer Yes). She confirmed that the new work would be 10' from the abutter.

Because there were 2 drawings in the packet and Mr. Willard had only one drawing, there was confusion about the size of the requested landing. Dianne Preston said at first they thought that just a permit was needed, that was the first drawing. Then when the land was measured it was discovered a variance was needed. Bob told her a 8' x 4' landing would probably be better; that was the second, and correct, drawing.

Mr. Willard asked how many feet from abutter's empty lot the construction would be? (Answer 10')

Dianne Preston indicated that the near abutter has an easement on her property where the abutter's steps are located so she didn't think there would be an objection to the new steps & landing.

Ms. Baldwin asked if steps were included in original permit to enclosed the porch? Dianne Preston did not know; a contractor did the porch.

Chairman Hackett asked if the Board were to impose a condition, that the new construction would never be enclosed, would that be a problem? Dianne Preston said no.

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Chairman Hackett read for the record a letter from abutter Tihalas in support of the application. (see attached) Then read letter from abutter Barbara Fletcher, against. (attached)

Ms. Tihalas, an abutter who was present, said there has never been anything on Ms. Fletcher's abutting property, so how could the Preston's be encroaching on her property.

Chairman Hackett read Dianne Preston's letter explaining the size change of the landing.

Ms. Baldwin asked about other exit doors for the house while Ms. Brunelle went to copy the area property map, then the commission reviewed were the house and abutters were located. Ms Baldwin verified that the applicant was lot #11, and lot #12 has steps that encroach on to lot #11.

Ms. Baldwin moved to close Public Hearing Case #11-2008 – Paul & Dianne Preston
Second by Mr. Willard. Passed Unanimous.

Public Hearing Case #12-2008 – Mark & Audra Warren: Request for Variance from Article IV, Table 2 to construct 24'x 32' addition to existing single-family dwelling to be used as one-bedroom dwelling unit on a lot which lacks sufficient acreage. Property located at 40 Willowgrass Lane, on a 2.06-acre lot, and one additional acre is required in the Rural Zone; Town Tax Map/Lot #414-23.

Mr. Mark Warren indicated his wife, Audrey, children and in-laws were present. He stated that earlier in the year his in-laws sold their home and moved in with his family. The in-laws would like the independence of 1 bedroom with their own kitchen. The property doesn't have proper acreage because when they built their house they donated 20 of their acres to town. His intent is not to have a multi family building, just an in-law unit. Their present septic is for 4 bedrooms, they presently have only 3 bedrooms. The new construction would meet all set backs.

Chairman Hackett indicated that her drawing shows the septic would be near the addition Mr. Warren indicated their plan was a design not an as-built. On their drawing the tank was in correct place but the leach field was not.

He drew the relationship on the white board and indicated that the tank is 30' off the pipe on the plan, and the each field is beyond that, in back of the barn. He did not have an as built drawing. Ms. Baldwin asked if there is a drawing of the existing septic system. Mr. Warren said no, but there was a state inspection. Ms. Brunelle found a 2004 approval for design and operation in the file as well as a drawing. There was a discussion related to the location of the septic. Septic update 2005 was found by Ms. Brunelle.

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Chairman Hackett asked about the size of the addition relative to the submitted drawing. Mr. Warren said size is yet to be determined. Chairman Hackett informed him that once they grant a variance he will only be able to build to that size. He said he would like it to be 24' x 34'.

Ms Baldwin confirmed that the new addition would have a garage, kitchen, bedroom and bath as a unit. She was concerned that in the future the addition will become a dwelling. Mr. Willard said it may become a rental. Mr. Warren stated he just wants to provide a comfortable space for in-laws. David Gasaway, one of the in-law, stated that the reason they did not just add a bedroom is, that they can't go up stairs. They are on a fixed income and couldn't afford the new home they had built.

Ms. Baldwin moved to close the **Public Hearing Case #12-2008 – Mark & Audra Warren** Second by Mr. Willard. Passed unanimous.

DELIBERATIVE SESSION:

Case #11-2008 – Paul & Dianne Preston: Request for Variance

Ms. Baldwin didn't see problem with the request as long as the construction does not become enclosed or more elaborate. Chairman Hackett made sure there was room on the landing to move around. She stated that the lot next door does not seem buildable, but can't say.

MOTION:

Ms Baldwin moved to grant variance Case #11-2008 – Paul & Dianne Preston: Request for Variance from Article VII.B.3 to add 8'x 4' deck, landing and stairs, which will not meet side setback, off existing 22' x 30' single-family dwelling located on .29-acre lot at 3 Fir Avenue in the Residential Lake District; Town Tax Map/Lot #119-11.

- a. That by granting the variance, there would be no diminution of value to the surrounding properties;
- b. The granting of the variance would not be contrary to the public interest;
- c. The denial of the variance could result in unnecessary hardship to the owner seeking it;
- d. By the granting of the variance, substantial justice will be done; and
- e. The proposed variance is not contrary to the spirit of the Ordinance.

CONDITION: The deck and stairs will never be enclosed.

Mr. Willard seconded. Motion passed **unanimously**.

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Public Hearing Case #12-2008 – Mark & Audra Warren: Request for Variance

Mr. Willard & Ms. Baldwin stated their feelings that the unit will potentially become a rental. Mr. Willard was sympathetic to the use for in-laws. Chairman Hackett said it would be beneficial to the homeowner and it is not a super small lot. Also nothing in the packet states specifically what the abutter would have against it. Ms. Baldwin said there should be a condition the addition could never be expanded.

MOTION:

Mr. Willard moved to grant variance

Public Hearing Case #12-2008 – Mark & Audra Warren: Request for Variance from Article IV, Table 2 to construct 24'x 34' addition to existing single-family dwelling to be used as one-bedroom dwelling unit on a lot which lacks sufficient acreage. Property located at 40 Willowgrass Lane, on a 2.06-acre lot, and one additional acre is required in the Rural Zone; Town Tax Map/Lot #414-23

- a. That by granting the variance, there would be no diminution of value to the surrounding properties;**
- b. The granting of the variance would not be contrary to the public interest;**
- c. The denial of the variance could result in unnecessary hardship to the owner seeking it;**
- d. By the granting of the variance, substantial justice will be done; and**
- f. The proposed variance is not contrary to the spirit of the Ordinance.**

CONDITION: The addition will never be expanded, and will always remain a single bedroom dwelling.

Ms. Baldwin seconded.
Motion passed **unanimous**.

Chairman Hackett indicated there were no minutes to consider. She mentioned the annual LGC conference. The budget report is needed by November 4.

Ms. Brunelle said article 7 will be on planning board agenda for 11/13. It may or may not be revised. The Board discussed article 7. Ms. Baldwin asked to have it conveyed to the Planning Board that there have not been a lot of permits under article 7, and maybe it should be left as is and see what happens.

Ms Baldwin moved to adjourn. Mr. Willard second
Adjourned 8:07PM

Respectfully submitted,

APPROVED

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Annette Andreozzi, Land Use Clerk