

TOWN OF GILMANTON
ZONING BOARD OF ADJUSTMENT
THURSDAY, MAY 20, 2010 – 7 p.m.
ACADEMY BUILDING
MINUTES

Chairman Hackett called the meeting to order at 7:03PM
Members in attendance were Elizabeth Hackett, Carolyn Baldwin, Paul Levesque, Ron LaBelle.

Also in attendance was Land Use Clerk Annette Andreozzi.

Members not in attendance were Israel Willard and Wayne Gray, alternate.

The Chair made introductions and explained the ZBA procedures. She also noted that three affirmative votes were needed for any motion by the ZBA to pass, and only 4 members were present. The applicant had the choice to continue his hearing to the next meeting. The applicant wanted to proceed.

Public Hearing Case # 6-2010 Craig & Miami Shufelt: Request for Variance from Article VII Section C-2 to build a single family residence with attached garage on a class 5 road with 113 feet of frontage were 200 feet are required in the Rural Zone. Property located at 269 Sawtooth Road; Town Tax Map/Lot #410-16.

Mr. Shufelt stated that they bought the property as a buildable lot; that statement was originally in the sales agreement. The agreement was changed after speaking with the town office and being told that they would not need a variance for their lot.

Ms. Baldwin indicated that might have been during the interim time that the planning board had made changes to the Zoning Ordinance, that then caused a special town meeting.

Mr. Levesque stated that the ZBA had granted a variance to this property in the past.

Ms. Hackett pointed out that the map in the file shows a 28' x 40' house, but the house plan is 46' x 52'. She was concerned that the larger size wouldn't fit and she couldn't tell from the map where the house was going to be located. Mr. Shufelt said that it would be approximately where the old house foundation was before.

The map was referenced for a discussion of where the shared driveway, old stone foundation, and shed (which is presently on the property) were located.

Ms. Hackett expressed concern for how the proposed house and detached garage were going to fit on the lot and meet the set back requirements. Mr. Shufelt stated that the garage will not be detached, but attached and part of the total dimensions of the house.

Mr. LaBelle was concerned about fire trucks getting up the driveway, and asked if the

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driveway would be up graded. Mr. Shufelt stated that he will do what is necessary.

Ms. Hackett noted that there was no height measurement on the house elevation, and she wanted to make sure the applicant knew that the height limit is 35 feet.

Ms. Baldwin moved to close Public Hearing Case #6-2010 Craig & Miami Shufelt
Seconded by Mr. LaBelle. **Motion passed unanimously.**

DELIBERATIVE SESSION:

Case #6-2010 Craig & Miami Shufelt

Mr. LaBelle asked if the Board should be concerned about fire trucks being able to use the driveway.

Ms. Baldwin stated that the driveway design is not in the Boards purview. She stated that given that a variance had been granted once on this property, and that the town rules changed between the time the applicant purchased the property and now, it would not be substantial justice to deny the applicant now.

MOTION:

Mr. Levesque moved to grant a variance in Case #6-2010 Craig & Miami Shufelt to build a single family residence with attached garage. Property located at 269 Sawtooth Road; Town Tax Map/Lot #410-16.

- a. The granting of the variance would not be contrary to the public interest because the amount of road frontage has been in existence for many years, and the house can be placed without encroaching on setbacks;**
- b. It would be contrary to the spirit of the Ordinance to not grant the variance because it is such a large lot;**
- c. By the granting of the variance substantial justice will be done because the property was purchased, relying on zoning ordinances in existence at the time; denying the owner the ability to build now would be unfair;**
- d. By granting the variance, there would be no diminution of value to the surrounding properties because a nice house being built will enhance surrounding property values;**

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- e. Literal enforcement of the ordinance could result in unnecessary hardship to the property owner seeking it owing to the special conditions of the property, being a big lot and it would be unfair not to allow a house;
- f. The proposed use is a reasonable one because the public interest is not hurt.

Mr. LaBelle seconded. **Motion passed unanimously.**

APPROVAL OF MINUTES

MOTION: Mr. LaBelle moved to approve the minutes of the April 15, 2010 meeting as amended, seconded by Ms. Baldwin. Motion passed unanimously.

ADJOURNMENT: Motion made by Mr. Levesque and seconded by Mr. LaBelle to adjourn, vote passed unanimously. Meeting adjourned at 7:38 PM.

Respectfully submitted,

Annette Andreozzi, Land Use Clerk