

NOTTINGHAM ZONING BOARD OF ADJUSTMENT
December 17, 2019

Approved: January 21, 2020

Members Present: Bonnie Winona-MacKinnon, Chair; Realene Shippee-Rice; Kevin Bassett, Alternate

Members Absent: Teresa Bascom, vice-Chair; Terry Bonser; Peter White

Others Present: JoAnna Arendarczyk, Land Use Clerk; Lucas Adams, Applicant; Chris Albert, Applicant's representative; Stefanie Casella, Strafford Regional Planning Commission (SRPC); Jen Czysz, SRPC

Call to order: 7:01pm

- The Chair noted a full Board was not present. The applicants were offered the opportunity to table their hearings to another night when a full Board could be present.
- The Chair read the meeting procedure to the applicants.

Public Hearings

Public Hearing Opened: 7:18pm

Case 19-014-VAx3- Application from Lucas Adams for a Variance request from Article II (C) (2) items D, E, & J. To permit an existing ADU to remain in use as is- detached, 860sqft and neither the primary structure or the ADU are occupied by the owner. The property is located at 228 Stage Road in Nottingham, NH and is identified as Tax Map 29 Lot 5.

Lucas Adams presented his case, with the understanding that he could request to continue the hearing to another date if he feels there may not be a favorable vote.

The Board questioned the need for the Variance as it seemed the issue is really a misunderstanding between the Bank and the staff in the Building department.

The Land Use Clerk clarified that the ADU (Accessory Dwelling Unit) needs to be accepted as is by a variance because there isn't proof that the unit was permitted or inspected. The file only contained a "One Bedroom ADU" approved septic plan and the building permit for the replacement garage (due to a fire). Plans or Permits or Certificate of Occupancy for the ADU are not available. Therefore, to allow the ADU to be sold and occupied as is the applicant needs the Variance approved. The Notice of Decision by the Town will be the proof for the sale.

Ms. MacKinnon advised the applicant to consider it as an In-law apartment (less restrictions). The applicant presented the Variance criteria (file).

Public Hearing Closed: 7:32pm. No one came to speak to the case.

Motion Made By: Mr. Bassett to approve the application **Case 19-014-VAx3-** Application from Lucas Adams for a Variance request from Article II (C) (2) items D, E, & J. To permit an existing ADU to remain in use as is.

Seconded By: Ms. Shippee-Rice

The Board voted on the criteria

	Criteria Summary	Board vote - was the Criteria met?
1.	Granting the variance would not be contrary to the public interest because: _	3-0-0
2.	If the Variance were granted, the spirit of the ordinance would be observed because:	3-0-0

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3.	Granting the variance would do substantial justice because:	3-0-0
4.	If the variance is granted, the values of the surrounding properties would not be diminished because:	3-0-0
5.	<p>Unnecessary Hardship</p> <p>a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:</p> <p>i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:</p> <p>ii. The proposed use is a reasonable one because:</p> <p>b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p>i. 3-0-0</p> <p>ii. 3-0-0</p> <p>b. not needed</p>

Vote: 3-0-0 Motion Passed

Public Hearing Opened: 7:37pm

Case 19-014-VAx5- Application from Leslie & Barbara Thompson (38 Lamprey Drive), Michael Dougherty & Beth Phillips (40 Lamprey Drive), Mark & Michele Lefebvre (18 Indian Run), Matthew & Seonaid Eaton (6 Lamprey Drive), for a Variance request from Article II(C)(1), Article II-C.1a, Article II-C1c, and Article II-C1b of the Nottingham Zoning Ordinance to permit a future Lot Line Adjustments with the Map 70 Lot 25 (Lamprey Drive). Owner of Map 70 Lot 25, Kevin Bassett, seeks a Variance from Article II Section 1a, 1b, 1c of the Nottingham Zoning Ordinance to permit the future Lot Line Adjustment with the above-mentioned lots. These properties are located in Nottingham, NH.

Mr. Bassett (ZBA Alternate) is also one of the above-mentioned applicants. He recused himself as a voting member.

Motion Made By: Ms. Shippee-Rice to continue Case 19-014-VAx5 due to the absence of full Board or quorum, to the next meeting of the ZBA.

Seconded By: Ms. MacKinnon

Vote: 2-0-1

Public Hearing Opened: 7:40

Case 19-013-VA- Application from Jeff Speck for a Variance request from Article II(C)(2) of the Nottingham Zoning Ordinance to permit the reconstruction of a new house where the existing house is setback is 15.2' and the new house will be setback 10.3' where 20' setback is required. The property is located at 65 Lakeview Drive in Nottingham, NH and is identified as Tax Map 71 Lot 37.

Christopher Albert from Jones and Beach Engineers presented the case for his client, Mr. Speck. Mr. Albert presented the plans (file). He noted that a full boundary survey was done, and numerous encroachments were identified.

Mr. Albert read the letter from the applicant as he couldn't make it to the hearing (file) as well as the letter of support from the abutter dated September 27, 2019 (file)

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New Septic installed in 2016

Rain Water Management will be part of the plan. Additionally, the new building plans will not put the applicant over the 25% impervious cover limit.

Public Comment: No one came to speak to the case.

Mr. Albert read the responses to the five criteria (file).

Public Hearing Closed: 7:57pm

A few members of the Board expressed appreciation to the attention to detail.

Motion Made By: Ms. Shippee-Rice to approve Case 19-013-VA- Application from Jeff Speck for a Variance request from Article II(C)(2) of the Nottingham Zoning Ordinance to permit the reconstruction of a new house where the existing house is setback 15.2' and the new house will be setback 10.3' where 20' setback is required. The property is located at 65 Lakeview Drive in Nottingham, NH and is identified as Tax Map 71 Lot 37.

Seconded By: Bassett

The Board voted on the criteria

	Criteria Summary	Board vote - was the Criteria met?
1.	Granting the variance would not be contrary to the public interest because:	3-0-0
2.	If the Variance were granted, the spirit of the ordinance would be observed because:	3-0-0
3.	Granting the variance would do substantial justice because:	3-0-0
4.	If the variance is granted, the values of the surrounding properties would not be diminished because:	3-0-0
5.	Unnecessary Hardship b. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because: i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because: ii. The proposed use is a reasonable one because: b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.	i. 3-0-0 ii. 3-0-0 b. not needed

Vote: 3-0-0 Motion Passed

Minutes

• October 15, 2019

Tabled- Ms. MacKinnon is the only member present who was at the October 15, 2019 Meeting.

ADJOURNMENT

Motion Made By: Mr. Bassett

Seconded By: Ms. Shippee-Rice

Vote: 3-0-0 Motion Passed

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94 **Adjourn at:** 8:14 pm