

NOTTINGHAM ZONING BOARD OF ADJUSTMENT

August 23, 2018

1 *Approved: September 18, 2018*

2 **Members Present:** Bonnie Winona-MacKinnon, Vice- Chair; Mike Mr. Russo, Chair;
3 Teresa Mrs. Bascom; Terry Bonser; Peter White; Kevin Mr. Bassett, Alternate

4 **Members Absent:** Kathy Bowse, Alternate;

5 **Others Present:** JoAnna Arendarczyk, Land Use Clerk; Anthony Dumas, Observer;
6 Peter C. Loeser, Applicant; Peggy Weisman, Abutter; Jim Schulte, Attorney; Nan Vigars,
7 Abutter; Debora McLaughlin, Abutter

8 **Call to order:** 7:02pm

9 **Alternate Seated and Voting:** Kevin Mr. Bassett for Peter White (recused- abutter to the
10 applicants)

11 Board Deliberation

12 • **Case 18-005-VA (Continuation)**

13 Application from Peter Loeser and Joy V. Riddell, requesting a Variance from Article II
14 Section C.1(a) of the Nottingham Zoning Ordinance, to permit an addition, large
15 equipment storage shed and ADU/garage on a private road. The property is located at 53
16 White's Grove Road in Nottingham, NH and is identified as Tax Map 63 Lot 81.

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19 The Board received a legal opinion regarding the tied vote from Tuesday and the question
20 on what constitutes hardship.

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22 Mr. Bassett stated he visited the site and viewed the local neighborhood. He will submit
23 his findings in writing the next day but to summarize he felt that the neighborhood is
24 quaint, small lot sizes, of the 32 camps/ houses he observed, 25 are of a small footprint-
25 single story, 6 are medium 2 stories, and one medium 3 story.

26 Mr. Russo estimated the proposal is about 4x's larger than the average size the average of
27 the 27 houses he viewed.

28 It was noted that the proposed addition and garage can't go further back on the property
29 due to power lines that service other homes, but not the Loeser's. Although this was
30 mentioned during discussion it was not mentioned as a hardship in the application.

31 It was pointed out that Mr. Loeser has a reasonable use of his lot with the existing livable
32 house on the largest lot in the neighborhood. His proposal would substantially change
33 the neighborhood and no supporting abutters came to speak to the proposal.

34 Mr. Bassett stated that he is leaning more towards a denial based on the fact that although
35 the hardships are reasonable, the current dwelling is in livable condition however the
36 applicant is proposing to demolish it and build new.

37 Mr. Bonser asked for clarification based on Mr. Bassett's statement the Board is
38 determining what a person can and cannot live in. Mr. Bassett determined that if the
39 requests were for just expansion, just an ADU or just a garage or just to replace a house
40 that is not livable that would be one thing but because of the nature of the request being
41 for 3 factors it is not a reasonable request.

42 Mr. Russo added that if this were his case he would propose a 3-4 car detached garage in
43 the back of the lot with an ADU above it. The current proposal is creating an "alley"
44 with the height of the proposed structures close to the edge of the property line and that
45 little lane that dead ends behind the abutter's property.

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The applicant asked how Mr. Russo's suggestion would be possible due to the fact that detached ADU's are not acceptable- The Board stated that if that were the request it may have been made possible with the variance. A detached ADU was granted by the Board Tuesday night.

The applicant asked why five (5) people and one bath wasn't being considered a hardship. The Board did not discuss this due to the fact that the public hearing was closed- no response.

The Board discussed their opinions a little further including the question as to whether the "road closure" was affecting their decision. To which they expressed that it was not.

Motion Made By: Ms. Mackinnon "regarding Case 18-005-VA-(Continuation) Application from Peter Loeser and Joy V. Riddell, requesting a Variance from Article II Section C:1(a) of the Nottingham Zoning Ordinance, to permit an addition, large equipment storage shed and ADU/garage on a private road. The property is located at 53 White's Grove Road in Nottingham, NH and is identified as Tax Map 63 Lot 81 and I move that we deny this application for reasons that we already stated, failure to meet the five criteria."

Seconded By: Mr. Russo

Vote: 3-2-0 **Motion Passed**

Public Hearing Closed: 7:30pm

The Board filled out finding facts form for Case 18-005-VA (in file)

Adjournment

Motion Made By: Mrs. Bascom

Seconded By: Mr. Russo

Vote: 5-0-0 **Motion Passed**

Adjourn at: 7:31 pm

For the Nottingham Zoning Board of Adjustment

JoAnna Arendarczyk; Land Use Clerk