

ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
DECEMBER 19, 1991

MEMBERS PRESENT: Randy Turner, Bill Colbath, Bob Callan

ALSO PRESENT: Steve Stancel, Tom Clark

Meeting brought to order at 7:10 PM.

Bill Colbath, Vice Chairman, stated that there are only three Board members present this evening. He explained to the applicants that they have the option of postponing their cases until the meeting of January 16, 1992, or they can be heard this evening but will have to carry all three votes to be approved.

Peter Whitman, representing Case #H91-17 - Mt. Pleasant Trust, stated that he wanted to wait until next month.

Harrison Mackey, representing case #H91-18 - The Estate of Mrs. Porter Mackey, stated he wanted to be heard.

Atty. Tom Dunnington, representing Case #91-19 Leo Schwartz, stated that he wanted to wait until next month.

Item 4. H91-18 The Estate of Mrs. Porter Mackey, (applicant: Jay and Sid Mackey) 337 Dover Pt. Road, A/K/A Assessor's Map L, lot 60-3, requests a variance from (1) the terms of Article V, Section 170-16, to construct an addition within thirty-one (31) feet from a front property line where thirty-five (35) feet is required, and (2) the terms of Article X, Section 170-41.A, to increase a non-conforming structure.

Harrison Mackey, one of the estate owners, represented the case. He stated that the building had been there since the 1950's. He said that the State owned a forty foot right-of-way and now claim they own a 66 foot right-of-way. He said that he applied for a building permit and it was granted. He then put in a foundation at the cost of \$6,000. He did not realize it didn't comply with the codes.

Tom Clark said that he granted the permit. He said he later received a telephone call from an attorney in Concord, NH, who advised him that the house was too close to the front property line. Tom stated that the State did own a 66 foot right of way on this particular road because it is an old highway. He stated that the encroachment into the front setback is about 4 feet.

Randy Turner moved to accept the case.
Bob Callan seconded.

VOTE U/A

Open Public Hearing

Sid Mackey submitted a letter from Robert & Gail Hartranft, stating their support of the planned addition.

Betty Mackey, who lives across the street, stated she has no objections.

Close Public Hearing

5 CRITERIA

1. The applicant does face an unnecessary hardship because of the unique width of the right-of-way which makes compliance impossible on the necessary front or side addition request.
2. The variance will deliver substantial justice as it will allow reasonable use of the property similar to the use the neighboring properties enjoy.
3. The variance will be in harmony with the spirit and intent of the zoning ordinance because the spirit and intent was to prevent over crowding and encroachment on the right-of-way. This addition will do neither of these things.
4. The variance will not result in a diminution in value of surrounding properties as no evidence was presented.
5. The variance will be of benefit to the public interest as improvements to the property will be of value to the public in both appearance and increased use.

Randy Turner made the motion to grant the application.

Bob Callan seconded.

VOTE U/A

GRANTED

Old Business

Acceptance of the minutes of the meeting of November 21, 1991

Bob Callan made the motion to accept the minutes.

Randy Turner seconded.

VOTE U/A

Randy Turner made the motion to adjourn.

Bob Callan seconded.

VOTE U/A

Meeting adjourned at 7:35 PM