



Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, August 28, 2018 at 6:30pm
Town Hall, 231 Atlantic Avenue
North Hampton, NH 03862

These Minutes were prepared as a reasonable summary of the essential content of the Meeting, not as a transcription. All exhibits mentioned, or incorporated by reference, in these Minutes are a part of the official Case Record and available for inspection at the Town Offices.

In attendance: George Lagassa, Chair; Mark Janos, Vice Chair; Members Jonathan Pinette, Joseph Bernardo, and David Buchanan; Alternate Member Robin Reid; and Recording Secretary Rick Milner.

I. Preliminary Matters.

Chair Lagassa called the meeting to order at 6:35 pm.

All potential witnesses for Case #18:03 were sworn in.

II. New Business.

A. Case #18:03 – Applicant: Robert Gray Construction, P.O. Box 252, Rye, NH 03870. The Applicant requests a variance from Section 406 – Yard and Lot Requirements of the Town of North Hampton Zoning Ordinance to allow construction of building additions within the structure setback. Property Owners: Charles E. Knox, Trustee of the Charles E. Knox 1994 Revocable Trust, and Joanne Elles Knox, Trustee of the Joanne Elles Knox 1994 Revocable Trust, 7 Sylvan Road, North Hampton, NH 03862; Property Location: 7 Sylvan Road; M/L: 008-030-000; Zoning District: R-1, High Density District.

In attendance for this application:

Charles and Joanne Knox, applicants; Robert Gray applicant and contractor.

Mr. Gray addressed the Board. Mr. Gray stated that the property at 7 Sylvan Road was an existing, non-conforming lot approximately .34 acres in size with 100 feet of frontage and 150 feet deep. The property lies within the R-1 zoning district which has a front setback requirement of 30 feet and side/rear setback requirements of 25 feet. The home on the lot is a one-story ranch with a full basement which currently encroaches upon the allowed side setback requirements. Mr. Gray presented site plans, floor plans, and architectural renderings showing current and proposed conditions.

Mr. Gray further stated that the property owners wished to:

- a. install an improved septic system,
- b. add an addition onto the rear of the home containing a master bedroom, bath, sunroom, and patio, and
- c. add approximately ten feet to the existing garage to allow the space to accommodate two cars.

The proposed additions would not exceed one story and be similar to the existing home in height. The garage roof is designed to slope down to produce aesthetically pleasing elevation changes between the existing home and the addition.

Disclaimer – these minutes are prepared by the Recording Secretary within five (5) business days as required by NH RSA 91A:2,II. They will not be finalized until approved by majority vote of the Zoning Board of Adjustment.

47 Mr. Janos asked if the existing home meets the front yard setback requirements.

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49 Mr. Gray responded that the existing home, located 41.46 feet from the front lot line, met the front yard
50 setback requirement.

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52 Mr. Bernardo asked if fire and/or safety matters, such as emergency vehicle access, were considered
53 when creating the proposed narrow space between the proposed garage addition and the lot line.

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55 Mr. Gray responded that most access ways are approximately 9 to 10 feet in width.

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57 Mr. Milner stated that any fire and safety issues will be addressed during the building permit application
58 process. The Board could add a condition to any approval that all required permits are obtained by the
59 applicant.

60
61 Mr. Gray addressed the five criteria for granting a variance identified in the State of NH RSA's.

62 1. Granting the variance will not be contrary to the public interest. While the proposed garage
63 enlargement will encroach on the setback, it will still allow for ample light and space between the
64 addition and the structure on the abutting property. The proposed addition on the other side of the
65 property is pulled back further from the lot line than the existing home currently sits.

66
67 2. The spirit of the ordinance is observed. If the variance is granted, there will still be ample side yard
68 clearance for light, air, utilities, and privacy.

69
70 3. Substantial justice would be done. Other locations for proposed additions explored. However, the
71 submitted proposal is the best option to meet the intent of the zoning ordinance. A variance would
72 allow the property owners to develop and improve their property.

73
74 4. The values of surrounding properties are not diminished. The proposed additions to the home and the
75 updated septic system would be an improvement to the property and as a result the surrounding
76 property values should not be adversely affected.

77
78 5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The
79 property owners would experience unnecessary hardship if not allowed to expand the garage to
80 accommodate two cars, rather than one car. The expanded garage and attic storage would protect the
81 property owners' automobile investments and personal belongings from New England weather. Due to
82 the unique layout of the existing property, attachment of the two-car garage in other ways would either:
83 a. result in similar setback issues,
84 b. require more extensive alterations of the exterior structure to accommodate interior layout,
85 c. require re-location of the driveway, or
86 d. conflict with the location of the septic system.

87
88 Mr. Lagassa stated his opinion that the proposed building addition plan is not a qualitative change from
89 what already exists. Mr. Lagassa asked for comments from the public.

90
91 Abutter Jane Morse addressed the Board. Ms. Morse stated that she is in favor of the proposed plan. If
92 the variance is granted, the proposed additions will be an improvement to the neighborhood.

93

Mr. Gray presented two letters from abutters on each side of the property which stated that they had no objections to the proposed building addition plans.

Mr. Lagassa closed the public hearing at 7:02pm. Mr. Lagassa suggested that the Board consider each of the five variance criteria.

Mr. Lagassa stated that the proposed plan was a good design which does not impinge upon the character of the neighborhood.

Mr. Buchanan stated that the proposed plan is a vast improvement to the neighborhood.

Mr. Pinette is in favor of the proposed plan, especially due to the fact that the septic system is being updated to current code requirements.

Mr. Janos stated that the location and proposed expansion of the septic system limits the potential to locate the proposed building additions in any other way. The lot has unique characteristics in that the building already exists in a non-conforming nature on a non-conforming lot. The proposed plans make the best use of the available zoning envelope.

Mr. Buchanan stated that he agrees with the applicant's reasoning that denial of the variance request would result in an unnecessary hardship due to the harsh New England winter's adverse effect on automobiles stored outside.

Mr. Lagassa suggested that, if the variance is granted, a note be added to the decision stating that the applicant has satisfied criteria for granting a variance as they relate to NH RSA 674:33.I (b) (5) regarding unnecessary hardship.

Mr. Janos moved that the Zoning Board of Adjustment grant a variance from Section 406 – Yard and Lot Requirements of the Town of North Hampton Zoning Ordinance to allow the following as represented in the application presented to the Board:

1. construction of a building addition in the rear of the home with a side yard setback depth of 24.36 feet from the lot line on the left side of the home as viewed from the road and

2. construction of a building addition to expand the existing garage with a side yard setback depth of 7.20 feet from the lot line on the right side of the home as viewed from the road.

In addition, the Zoning Board of Adjustment determined that the criteria for granting a variance as they relate to NH RSA 674:33.I (b) (5), regarding unnecessary hardship, have been satisfied. The granting of this variance is subject to the condition that the applicant obtains all federal, state, and local permits and approvals. Second by Mr. Buchanan. The vote was unanimous in favor of the motion (5-0).

III. Other Business.

Mr. Lagassa presented the minutes of the May 22, 2018 meeting.

Mr. Buchanan moved that the ZBA accept the minutes of the May 22, 2018 meeting as written.

Second by Mr. Pinette. The vote was 3-0-2 in favor of the motion with Mr. Lagassa and Mr. Bernardo abstaining.

Mr. Milner informed the Board that the Town Administrator has requested that any operating budget funding requests be submitted to the Finance Department by September 7. The Board came to a

142 consensus without objection that the ZBA operating budget remains level funded for the next fiscal
143 year.
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145 Mr. Milner presented the NH RSA planning and zoning legislative updates to the Board. The Board
146 discussed the NH RSA language amendments associated with ZBA voting.
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148 **Mr. Bernardo moved to adjourn the meeting at 7:30pm. Second by Mr. Pinette. The vote was**
149 **unanimous in favor of the motion (5-0).**
150

151 Respectfully submitted,
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153
154

155 Rick Milner
156 Recording Secretary