



**Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, January 25, 2022 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: Robin Reid, Vice Chair; Members Audrey Prior and Bill Clifford; Alternate Members Dennis Williams and Mark Janos; and Recording Secretary Rick Milner.

I. Preliminary Matters.

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

Mr. Williams seated for Mr. Pinette.

Mr. Janos seated for Mr. Stanton.

Ms. Reid explained that two town residents would be participating in the meeting by electronic connection authorized by the Board at a previous meeting due to multiple continuances of the case. Potential witnesses for all cases were sworn in.

Ms. Reid presented the minutes of the December 28, 2021 meeting.

Mr. Janos moved that the ZBA accept the minutes of the December 28, 2021 meeting as written. Second by Mr. Clifford. The vote was unanimous in favor of the motion (5-0).

II. Old Business.

1. Case #21:07 – Applicants: Millie Bauer, LLC, Scott Prince, and Jarrod Patten, 50-52 Lafayette Road and 1 Fern Road, North Hampton, NH 03862. The Applicants request the following relief:

- a. Administrative Appeal regarding approval of existing wall construction within the side yard structural setback,
- b. Equitable Waiver to allow existing wall construction within the side yard structural setback, or
- c. Variance to allow existing wall construction within the side yard structural setback.

Property Owners: Millie Bauer, LLC, 16 Woodknoll Drive, North Hampton, NH 03862; and Jarrod Patten, 1 Fern Road, North Hampton, NH 03862; Property Locations: 50-52 Lafayette Road and 1 Fern Road, North Hampton, NH 03862; M/L: 008-024-000 and 008-023-001; Zoning Districts: I-B/R, Industrial – Business/Residential District, and R-1, High Density District.

Applicants: Millie Bauer, LLC, and Scott Prince, 50-52 Lafayette Road, North Hampton, NH 03862. The Applicants request a variance from Town of North Hampton Zoning Ordinance Section 202.2 Permitted Uses in R-1 High Density District to allow a business fuel storage shed in the R-1 High Density District. Property Owner: Millie Bauer, LLC, 16 Woodknoll Drive, North Hampton, NH 03862. Property Location: 50-52 Lafayette Road; M/L: 008-024-000; Zoning Districts: I-B/R, Industrial – Business/Residential District, and R-1, High Density District.

Applicants: Millie Bauer, LLC, and Scott Prince, 50-52 Lafayette Road, North Hampton, NH 03862. The Applicants request a special exception as required by Section 202.4 of the Town of North Hampton Zoning Ordinance to allow motor vehicle service facility use on the property. Property Owner: Millie Bauer, LLC, 16 Woodknoll Drive, North Hampton, NH 03862. Property Location: 50-52 Lafayette Road; M/L: 008-024-000; Zoning Districts: I-B/R, Industrial – Business/Residential District, and R-1, High Density District.

In attendance for this application:

Greg Bauer, property owner; Jarrod Patten, property owner; Scott Prince, applicant; and Tim Phoenix, attorney.

Mr. Phoenix addressed the Board regarding the applicant's relief request to allow the existing wall construction within the structural setbacks on the 50-52 Lafayette Road and 1 Fern Road properties. Mr. Phoenix presented a site plan which indicated the location of the existing wall along the southerly lot line of the 50-52 Lafayette Road property and crossing over onto the 1 Fern Road property.

Mr. Phoenix explained that, in 2018, Greg Bauer (owner of 50-52 Lafayette Road) and Jarrod Patten (owner of 1 Fern Road) entered into an agreement to place screening plants along and crossing over the property line between the two properties. Due to the topography between the two properties, a retaining wall was needed to support the land fill and screening plants for the proposed landscaping project. The two property owners consulted the Building Inspector at the time and obtained his approval to construct the retaining wall. Upon review of a proposed site plan submitted in June of 2021 for land use board approvals of business use and site feature changes on the 50-52 Lafayette Road property, the Planning and Zoning Administrator advised that the retaining wall was a structure which needed additional approval from the Zoning Board of Adjustment (ZBA) for relief from the structure setback provisions of the zoning ordinance.

Mr. Phoenix stated that he believes that the retaining wall construction qualifies for relief under any of the three processes indicated in the application (Administrative Appeal, Equitable Waiver, or Variance).

Mr. Milner stated his opinion that, based on the facts surrounding the retaining wall construction, granting an equitable waiver to allow the wall to remain in its current location was in the best interests of the Town of North Hampton and the applicant. The following criteria for granting an equitable waiver have been met in this case:

- a. The violation was not noticed by a municipal official until after the structure had been substantially completed.
- b. The applicant acted in good faith by relying on the direction of the previous Building Inspector.
- c. The retaining wall construction does not constitute a public or private nuisance. The abutting property owner on whose property the wall lies approves of the wall construction and has created an easement agreement with the applicant.
- d. The cost of correcting the violation far outweighs the benefit. Moving the wall outside of the structure setback would provide the Town little, if any, extra benefit; while the costs of moving the wall would adversely impact the applicant.

Mr. Phoenix stated that he agrees with using the equitable waiver process as the form of relief for the wall construction as long as the applicant does not lose his right to pursue the other forms of relief if the equitable waiver is not granted or overturned upon appeal.

Ms. Reid stated that the applicant would not lose the right to pursue the other forms of relief if the equitable waiver is not granted or overturned upon appeal.

Mr. Phoenix explained that the retaining wall was located in its present position to provide more space around the existing maintenance building for emergency vehicle and other vehicle access. Mr. Phoenix addressed the criteria for granting an equitable waiver.

1. Other town representatives found the decision of the previous Building Inspector to allow the retaining wall construction to be in error long after construction of the retaining wall and planting of the vegetation.

2. The applicant acted in good faith in relying on the authority of the previous Building Inspector.

3. No other individual nor the public is adversely affected in any way by the retaining wall construction. The retaining wall does not negatively affect the present or permissible use of either property owner.

4. The retaining wall has been constructed in its entirety. Removal of the wall will cause the soil to erode, jeopardizing the buffer plantings installed to provide screening for the benefit of the neighbor. The cost of correction outweighs any public benefit to be gained by removal of the wall.

Ms. Reid asked for public comments regarding the retaining wall relief request.

Resident Deb Sillay asked for clarification on the process that allowed the retaining wall to be constructed in its current location.

Mr. Milner explained that, even though the Building Inspector allowed the wall construction, the retaining wall needs relief to be granted by the ZBA due to its non-conformance with zoning ordinance regulations.

Ms. Reid closed the public hearing regarding the retaining wall relief request at 6:57pm.

Mr. Clifford and Mr. Williams stated that the retaining wall relief request was reasonable.

Mr. Janos stated that the relief request meets the State of New Hampshire RSA criteria for granting an equitable waiver.

Mr. Clifford moved that the ZBA grant an equitable waiver to allow a retaining wall structure and associated plantings within the structural setbacks on the 50-52 Lafayette Road and 1 Fern Road properties as represented in the application and on site plan sheet C2 with January 11, 2022 revision date presented to the Board. Second by Mr. Williams. The vote was unanimous in favor of the motion (5-0).

Mr. Phoenix withdrew without prejudice the administrative appeal and variance relief requests regarding the retaining wall construction.

Mr. Phoenix addressed the Board regarding the applicant's variance request to allow a business fuel storage shed in the R-1 High Density District (R-1). Mr. Phoenix stated that the applicant has revised his original variance request by removing equipment, granite, raw materials, and other types of storage within the R-1 section of the M/L 008-024-000 property from the variance request. However, the granite currently being stored within the R-1 High Density District would remain in its current location and be used by Mr. Bauer as he needs for jobs without being replaced by new amounts of granite.

Mr. Phoenix further stated that the applicant is requesting a variance be granted to allow the existing fuel storage shed to remain in its current location within the R-1 section of the M/L 008-024-000 property. The fuel shed is fully enclosed and roofed. The diesel fuel tanks inside the shed are double-walled. The fuel storage area was located on the previously approved site plan in an area within the I-B/R section of the property which is now proposed to be used as a turnaround area for vehicles. The fuel storage area was moved to its current location to eliminate a possible obstruction in the vehicle traffic area.

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

1. The variances will not be contrary to the public interest.

2. The spirit of the ordinance is observed.

The requested relief is consistent with the purpose of promoting the health, safety, and general welfare of the community in that the commercial storage use in the residential zone is reasonable because the area cannot be reasonably used residentially and can only be accessed from the abutting Industrial-Business/Residential (I-B/R) zoning district. Abutting neighbors consent to the use. The neighborhood is already affected by the permitted commercial uses in the vicinity of the neighborhood. Allowing commercial storage on a residential portion of the lot screened from residences and accessed from the commercial section of the lot neither alters the essential character of the locality, nor threatens public health, safety, or welfare.

3. Granting the variance will not diminish surrounding property values.

The proposed storage on the residential lot can be seen only by a few property owners and is screened by granite blocks and shrubs/trees. Abutting property owners have provided letters of support, demonstrating that they do not believe that their property values will be diminished.

4. a. Special conditions distinguish the property from others in the area.

The lot is large and already developed. There are significant wetlands in the rear of the property. The lot is bisected by the line dividing the I-B/R and R-1 zones. The residential section of the lot for which the variance is requested cannot reasonably be used for residential purposes and can only be accessed from the portion of the lot upon which commercial activities exist.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

Residential zone permitted uses are typically intended to protect residences from more significant activities of commercial uses. Since there is no reasonable residential use for the residential section of the property for which commercial storage is proposed and the only affected neighbors support the proposal, there is no reason to prohibit the storage associated with the commercial use permitted in the neighboring zoning district.

c. The proposed use is reasonable.

5. Substantial justice will be done by granting the variance.

Allowing the residential portion of the lot to be used for commercial storage where the area cannot reasonably be used for residential purposes and can be accessed only from the commercial portion of the property will have no effect on the general public. The nearest residential neighbors approve of the proposed relief. The applicant will incur harm in having to move the fuel shed likely to a location which will result in an effect on the public no different than the current location.

Ms. Reid stated that the application materials submitted are confusing in that there is no specific information and five criteria justification for the variance request regarding the location of the fuel shed

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189 in the R-1 zoning district. The fuel shed information is mixed in with information for variance requests
190 that have been withdrawn by the applicant. Ms. Reid stated her opinion that the entire application
191 should be revised to indicate what the applicant is currently requesting for relief. There should be a five
192 criteria memorandum which speaks exclusively to the variance request for the fuel shed and not include
193 items which have been withdrawn by the applicant.

194
195 Mr. Milner noted that, even though the applicant has withdrawn his variance request to allow granite
196 storage in the R-1 zoning district, the granite storage areas remain on the proposed site plan presented
197 to the Board. Mr. Milner stated that this is an inconsistency that needs to be corrected. He suggested
198 that, if the applicant is no longer requesting a variance to allow the granite storage in the R-1 zoning
199 district, the granite storage area should be removed from the proposed site plan included in a revised
200 variance request application package.

201
202 Ms. Reid noted that the current existing location of the fuel shed may not be in conformance with the
203 lot line structure setback requirements of the zoning ordinance.

204
205 Mr. Milner suggested that, if storage areas associated with the new business applying for a special
206 exception, shown on the original application within the R-1 zoning district, and removed from the
207 current proposed site plan may be located in another area on the M/L 008-024-000 site, the new
208 location for these storage areas should be indicated on the proposed site plan in order for the Board to
209 adequately evaluate the special exception request. Also, the proposed easement area along the
210 retaining wall between the 50-52 Lafayette Road and 1 Fern Road properties is within the R-1 zoning
211 district. The application includes pictures showing storage of commercial trailers in this area. This
212 inconsistency with the permitted uses allowed in the R-1 zoning district area and the applicant
213 representative's statement that this area is intended for emergency vehicle access needs to be
214 corrected.

215
216 Mr. Williams and Mr. Clifford stated their opinions that a revised application exclusively addressing the
217 current relief requests would be helpful to the Board.

218
219 Mr. Phoenix suggested that the case be continued in order to give the applicant time to address the
220 Board's concerns with revised application information.

221
222 Mr. Janos asked if there would be any access to commercial areas from the Sylvan Road neighborhood.

223
224 Mr. Phoenix stated that there are existing granite blocks and tree plantings that prohibit access to the
225 commercial areas from Sylvan Road.

226
227 Ms. Reid asked for public comments regarding the variance request.

228
229 Resident Joanne Knox addressed the Board. Ms. Knox stated that she is opposed to granting the
230 variance request. Changing residentially zoned land by allowing commercial uses would erode the
231 character of the neighborhood.

232
233 Resident David McGilvary addressed the Board. Mr. McGilvary stated that the existing commercial use is
234 being pushed toward the residential area. He expressed his concern regarding the uncertain timeline for
235 removal of the existing granite storage from the R-1 section of the property.

236

Abutter Jarrod Patten addressed the Board. Mr. Patten stated his support for the application. Mr. Bauer has significantly improved the conditions of the site since he purchased the property. Mr. Bauer has removed a large amount of junk vehicles, tires, and other types of trash. As the property owner of a property directly adjacent to the M/L 008-024-000 site, he has no problems with Mr. Bauer's business activities.

Resident Deb Sillay addressed the Board. As a former resident of the Sylvan Road and Meadowfox Road neighborhood, she and her neighbors experienced problems associated with the business activities on the M/L 008-024-000 site in the past. Ms. Sillay expressed her concern that many things change on the site without the proper permissions being obtained in advance. She would like to see the applicant provide better clarity regarding the proposed uses for the site. Other neighbors in the area besides direct abutters can be adversely impacted by light, noise, and other characteristics of the applicant's business activities. A residentially zoned area should stay residential in nature.

Avril Lebeau addressed the Board. Ms. Lebeau stated that you do not need to be a direct abutter to hear trucks beeping and banging. The tree removal on the 008-024-000 site has made the impact of light and noise on the neighborhood worse by encroaching on the neighbors' enjoyment of the outdoors. The land in the R-1 zoning district is already being used for commercial uses before getting the appropriate permissions.

Abutter Donald Alexander addressed the Board. Mr. Alexander stated that he has a full view of the activities on the M/L 008-024-000 site from across the cul-de-sac at the end of the neighborhood. The applicant should abide by the zoning district separation on the property and only conduct activities on each section of the property as allowed by the zoning ordinance. The vacant area within the R-1 zoning district section of the property provides a buffer against the adverse impact of commercial uses on the surrounding neighborhood such as dirt, noise, and unsightly construction activities. Mr. Alexander expressed his concern with the possible noise associated with trucks accessing the fuel shed in the R-1 zoning district.

Ms. Reid suggested that an electronic connection be established for the February 22, 2022 meeting to allow the public to participate remotely during discussions of Case 21:07.

Mr. Williams moved that the ZBA authorize an electronic connection for the February 22, 2022 meeting to allow the public to participate remotely during discussions of Case 21:07. Second by Ms. Prior. The vote was unanimous in favor of the motion (5-0).

Mr. Milner read several letters both in favor of and opposing the relief request application.

Mr. Janos moved that the Zoning Board of Adjustment continue Case #21:07 to the February 22, 2022 meeting date. Second by Mr. Williams. The vote was unanimous in favor of the motion (5-0).

II. New Business.

1. Case #22:01 – Applicant: Deborah Minassian, 24 Lafayette Terrace, North Hampton, NH 03862. The Applicant requests a variance from Town of North Hampton Zoning Ordinance Section 203.1 Yard and Lot Requirements and Section 202.9 Non-Conforming Uses to allow a structure (home addition) within the side yard structural setback and expansion of a structure on a non-conforming lot. Property Owner: Deborah Minassian, 24 Lafayette Terrace, North Hampton, NH 03862; Property Location: 24 Lafayette Terrace; M/L: 021-014-003; Zoning District: I-B/R, Industrial – Business/Residential District.

285 In attendance for this application:

286 Deborah Minassian, property owner; Christos Valhouli, attorney; and Robert Gray, contractor.

287
288 Mr. Valhouli addressed the Board. Mr. Valhouli presented a proposed site plan to build a 23 foot by 28
289 foot addition to the home at 24 Lafayette Terrace which will contain a two car garage and an accessory
290 dwelling unit above the garage. The applicant is requesting a variance to allow the proposed addition to
291 be constructed in the location shown on the site plan. The addition is proposed to be 13 feet from the
292 northerly side lot line at its closest point where a 35 foot setback is required. The proposed addition will
293 be an expansion of a structure and use on a non-conforming lot.

294
295 Mr. Valhouli addressed the five criteria for granting a variance identified in the State of NH RSA's.

296 1. The variance will not be contrary to the public interest in that the granting of the variance will not
297 alter the character of the neighborhood. The property is already developed with three residential
298 condominium units. The applicant has been coordinating with the Department of Public Works to be
299 certain that all issues concerning relocation of a water line and drainage culvert are effectively handled.

300
301 2. The spirit of the ordinance is observed in that the general purpose of promoting the health, safety,
302 and welfare of the community is not affected by the proposed addition.

303
304 3. Substantial justice is done in that granting the variance will allow the applicant to best utilize and
305 improve her property in a more practical way with little impact on the side setback area.

306
307 4. Granting the variance will not diminish the property values of surrounding properties. The proposed
308 improvements on the property should help increase surrounding property values.

309
310 5. Special conditions that exist such that literal enforcement of the provision of the ordinance results in
311 unnecessary hardship.

312 No fair and substantial relationship exists between the general public purpose of the ordinance and the
313 specific application of the ordinance to this variance request. The variance being requested will create a
314 minimal increase to the size of the applicant's existing dwelling. The lot is a non-conforming lot in that it
315 does not have the minimum lot area required by the zoning ordinance. The size of the lot and the
316 configuration of the existing buildings with associated utilities does not allow for placement of the
317 proposed addition in any other location.

318
319 Mr. Valhouli presented letters supporting the variance request application from abutters and neighbors
320 to the 24 Lafayette Terrace property. Mr. Valhouli also presented a letter from the Building Inspector
321 indicating that the septic system was adequate for supporting the addition of a bedroom within the
322 accessory dwelling unit.

323
324 Mr. Clifford asked for clarification regarding the proposed re-location of the water line and drainage
325 culvert on the property.

326
327 Mr. Gray reviewed the details of the proposed water line and drainage culvert re-location as shown on
328 the proposed site plan with the Board.

329
330 Mr. Janos suggested that completion of the water line and drainage culvert re-location be added as a
331 condition of any ZBA approval regarding this variance application.

332

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Ms. Reid asked for clarification regarding the existing and proposed living area square footage.

Mr. Gray presented the following approximate square footage amounts :

- a. proposed garage – 620 square feet
- b. proposed accessory dwelling unit – 580 square feet
- c. existing home living area – 1,009 square feet

Ms. Reid asked for public comments regarding the variance request. No comments were made. Ms. Reid closed the public hearing at 8:55pm.

Mr. Janos stated his opinion that, based on the location of the existing home and septic system, another location for placement of the proposed addition in conformance with the zoning ordinance setback requirement is not feasible.

Mr. Milner noted that variances have been granted in the past for dwelling units on the property to allow the residential uses as they currently exist.

Ms. Reid expressed her concern that adding another living unit to a non-conforming 1.15 acre parcel with three existing living units creates a denser development on an already dense lot which conflicts with the Master Plan goal of maintaining open space. No special conditions exist on the parcel. The applicant has reasonable use of the property. There is an alternate way to renovate the existing home in order to provide an accessory dwelling unit within the home without the need for a variance.

Mr. Valhouli stated that the expansion of the non-conformities will not change or adversely affect the character of the neighborhood.

Mr. Janos stated his opinion that the Board has some discretion to allow the proposal to move forward.

Ms. Reid stated her opinion that hardship should be considered as it relates to the unique condition of the land, not any particular living situation.

Ms. Minassian addressed the Board. Ms. Minassian stated that the proposed garage is necessary for safe and reasonable use of the property in this area. The short length of the driveway makes it unsafe to park two family cars on the property close to the road. Also, the current location of the driveway makes it difficult to locate the garage in another location on the property. These are unique site conditions. Also, multiple neighbors have expressed their support for the variance request.

Mr. Williams asked what type of use existed on the northerly abutting lot along the lot line next to the proposed addition.

Ms. Minassian stated that the northerly abutting lot has a mix of business and residential uses.

Ms. Reid stated her opinion that there is adequate space available on the lot for the applicant to create alternate vehicle parking areas without the need for a variance.

Mr. Janos moved that the Zoning Board of Adjustment grant variances from Town of North Hampton Zoning Ordinance Section 203.1 Yard and Lot Requirements to allow a structure (home addition) within the side yard structural setback and Section 202.9 Non-Conforming Uses to allow expansion of

a structure (home addition) on a non-conforming lot located at 24 Lafayette Terrace as represented in the application and site plan presented to the Board subject to the following conditions:

1. The re-location of the drainage culvert and water line as indicated on the site plan presented to the Board shall be completed prior to construction of the proposed home addition.

2. The applicant receives all required federal, state, and local permits and approvals for the construction and subsequent use of the home addition.

Second by Mr. Williams. The vote was 4-1 in favor of the motion with Ms. Reid opposed.

2. Case #22:02 - Applicant: Jennifer Kutt, 229 Atlantic Avenue, North Hampton, NH 03862. The Applicant requests variances from Town of North Hampton Zoning Ordinance Section 203.1 Yard and Lot Requirements to allow multiple structures (building addition, stairs, deck, and covered patio) within the side yard structural setback. Property Owner: Kutt Property Management, LLC, 229 Atlantic Avenue, North Hampton, NH 03862; Property Location: 229 Atlantic Avenue; M/L: 007-148-000; Zoning District I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Jennifer Kutt, applicant; Christos Valhouli, attorney.

Mr. Valhouli addressed the Board. Mr. Valhouli presented a site plan which included the following items:

- a. existing building at 229 Atlantic Avenue used as a general store and deli with an apartment on the second floor,
- b. proposed 20 foot by 16 foot, one story addition and stairs to existing second story off the rear of the building near the westerly side lot line,
- c. existing covered wood seating area (patio) in northeasterly rear corner of the site, and
- d. existing deck and seating area along the front of the existing building.

Mr. Valhouli explained that the applicant was requesting variances for the following non-conformities to the zoning ordinance as indicated on the site plan presented to the Board:

- a. placement of the proposed building addition within 24.6 feet of the westerly side lot line at its closest point where 35 feet is required,
- b. placement of proposed stairs attached to building addition within 21.4 feet of the westerly side lot line at its closest point where 35 feet is required,
- c. placement of existing covered patio area within 22.07 feet of the northerly rear lot line at its closest point where 35 feet is required, and
- d. placement of the existing front deck within 24.01 feet of the southerly front lot line at its closest point where 50 feet is required.

Mr. Valhouli stated that the proposed building addition would be used as a food preparation and storage area. The existing building has existed in its current location within the structural setbacks at a distance of 18 feet from the westerly lot line next to the town administration building for many years prior to the establishment of zoning regulations. The existing front deck and covered patio are currently located within the structural setbacks and were constructed without receiving Town approval for their non-conformance to the zoning ordinance setback requirements. The front deck was built approximately twenty years ago. The covered patio was built in the last couple of years.

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

1. The variance will not be contrary to the public interest in that the granting of the variance will not alter the character of the neighborhood or adversely affect the public health, safety, or welfare.

2. The spirit of the ordinance is observed in that the use for the proposed building addition conforms with the current use and the permitted uses of the zoning district.

3. Substantial justice is done in that the variance will allow the applicant to best utilize her property in a more practical way while making very little impact upon the side setback area.

4. The granting of the variance should not diminish surrounding property values in that the proposed addition is an improvement to the site and consistent with the character of the area.

5. Special conditions exist such that literal enforcement of the provision of the zoning ordinance will result in unnecessary hardship. The existing building was built many years before the establishment of structural setback requirements. The proposed addition creates a minimal increase to the size of the existing building. Placement of the proposed addition in another location is not possible due to the configuration of the lot.

Ms. Reid asked for public comments regarding the variance request. No comments were made. Ms. Reid closed the public hearing at 8:55pm.

Mr. Janos stated that the requested relief will not create a substantial change to the current building construction and is not significantly different to what already exists on the site.

Mr. Williams stated his opinion that the proposed addition makes the structure safer for the employees and the public.

Mr. Clifford noted that approximately half of the existing building has been located within the structure setbacks for many years. The proposed addition will not create a significant change to the existing non-conforming characteristic of the main building.

Ms. Reid stated that the use of the proposed building addition is in conformance with the desired business uses indicated in the Town of North Hampton Master Plan.

Mr. Clifford moved that the Zoning Board of Adjustment grant a variance from Town of North Hampton Zoning Ordinance Section 203.1 Yard and Lot Requirements to allow multiple structures (building addition, stairs, deck, and covered patio) within the structural setbacks on 229 Atlantic Avenue property as represented in the application and site plan presented to the Board subject to the condition that the applicant receives all required federal, state, and local permits and approvals. Second by Ms. Prior. The vote was unanimous in favor of the motion (5-0).

Mr. Janos moved to adjourn the meeting at 9:46pm. Second by Mr. Williams. The vote was unanimous in favor of the motion (5-0).

Respectfully submitted,

Rick Milner
Recording Secretary