



Meeting Minutes
Town of North Hampton
Zoning Board of Adjustment
Tuesday, December 20, 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, Chair; Bill Clifford, Vice Chair; Members Audrey Prior and Larry Miller; Alternate Member Mark Janos; and Recording Secretary Rick Milner.

I. Preliminary Matters.

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

Mr. Janos seated for regular member vacant position.

Ms. Reid announced the resignation of Rick Stanton as a regular member of the ZBA. Ms. Reid thanked Mr. Stanton for his many years of service to the Town of North Hampton in several different volunteer positions.

Ms. Reid presented the minutes of the November 22, 2022 meeting.

Mr. Clifford moved that the ZBA accept the minutes of the November 22, 2022 meeting as written. Second by Ms. Prior. The vote was 4-0-1 in favor of the motion with Mr. Janos abstaining.

II. New Business.

1. Case #22:07 – Applicants: Brian Fox and Kristen Jackson, 8 Post Road, North Hampton, NH 03862.

The Applicants request a variance from Town of North Hampton Zoning Ordinance Section 203.1 - Yard and Lot Requirements to allow construction of a building addition within the side yard structure setback. Property Owner: Kristen Jackson, 8 Post Road, North Hampton, NH 03862. Property Location: 8 Post Road, North Hampton, NH 03862; M/L: 004-018-000; Zoning District: R-1, High Density District.

In attendance for this application:

Brian Fox, applicant; Kristen Jackson, property owner.

Ms. Reid swore in Mr. Fox and Ms. Jackson. Mr. Fox addressed the Board. Mr. Fox presented a site plan for the property at 8 Post Road which included the following:

- a. existing conditions with a two story wood frame home and a one car detached garage structure on 0.54 acres within the Town of North Hampton and three acres of back land extending into the Town of Hampton,
- b. proposed construction of a 1,476 square foot, two story, three car garage addition off the southeasterly end of the home within 12 feet, 7 inches of the southeasterly side yard lot line at the rear of the addition and 15 feet, 9 inches of the southeasterly side yard lot line at the front of the addition where a 25 foot structural setback is required,
- c. proposed demolition of existing garage, and
- d. architectural renderings of the proposed garage 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.

Mr. Fox explained that he and the other residents of the 8 Post Road property have several vehicles which require additional garage parking spaces to protect the vehicles from adverse weather conditions and potential criminal acts. The second floor of the garage addition will only be used for storage of personal items.

Mr. Fox 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 as evidenced by the amount of neighbors who have signed a letter approving of the proposed construction.

2. The spirit of the ordinance is observed in that the proposed addition setback distance is only slightly smaller than the current existing garage setback distance and adequate space for access around the home is maintained. In addition, the existing natural arborvitae screening along the southeasterly lot line will remain in place.

3. Substantial justice is done in that the design, layout, and size of the garage is consistent with similar structures on other properties in the neighborhood. Other properties in the neighborhood have four bay, multi-floor garages. The existing older garage does not allow enough space to accommodate modern vehicles and amenities. The proposed garage helps meet storage requirements of larger current day families with multiple vehicles and greater storage needs.

4. The values of the surrounding properties are not diminished in that the proposed addition is designed to conform with New England Colonial style characteristics associated with the existing home on the subject property and other properties in the neighborhood. Curb appeal and visual aesthetics within the neighborhood will be improved by moving excess vehicles from the driveway into the proposed garage.

5. Literal enforcement of the provisions of the ordinance will result in an unnecessary hardship in that the shape of the lot is long and slim. If the ordinance were literally followed, then the proposed garage would have to be placed to the rear of the existing home. This situation would interfere with the operation of the existing septic system, leach field, and outdoor deck behind the home and double the size of the existing driveway.

Ms. Reid asked Mr. Fox about the presentation packet. Ms. Reid noted that, in the presentation packet, a statement was made that "We are not asking for anything more than currently there; the new garage structure shares the current side lot distances as the existing old small garage." However, in fact, the existing and proposed setback distances are different. The front of the shed setback currently is 16 feet, 8 inches and the proposed structure setback will be 15 feet, 9 inches. The rear existing setback is 16 feet, 4 inches and the proposed structure setback will be 12 feet, 7 inches.

Mr. Fox agreed with Ms. Reid's statement and agreed that the presentation packet was not correct.

Mr. Janos asked if the applicant considered any other locations for the proposed addition which will satisfy the zoning ordinance setback requirement.

Mr. Fox showed on the site plan how the narrow width of the lot and the location of the septic system behind the existing home eliminated any other options for placement of the proposed addition which will conform to the setback requirement.

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Ms. Reid asked for confirmation that the second floor of the proposed addition will only be used for storage of personal items.

Mr. Fox confirmed that the second floor of the proposed addition will only be used for storage of personal items.

Ms. Reid asked for public comments. Mr. Milner read a letter signed by seven abutters to the subject property approving of the proposed garage addition construction.

Abutter Jason Nichols addressed the Board. Mr. Nichols stated that the applicant was making a good effort to better the conditions of the subject property and the neighborhood. In his opinion, the proposed construction will increase neighborhood property values.

Ms. Reid closed the public hearing at 6:53pm.

Mr. Clifford stated that the proposal appears to be in the spirit of the ordinance and will most likely increase property values.

Ms. Prior stated that the proposal does not significantly change the current situation on the property in that the requested setback distance is only a few feet less than the setback distance for the existing garage. Due to the needs of a modern family in today's society, the request for a three car garage is reasonable.

Mr. Miller stated that he has no problem with the variance request being granted. The proposed non-conformity will not be significantly different from the existing non-conforming situation on the property.

Mr. Janos stated that improvements to older homes along this section of Post Road are a benefit to the Town. He is in favor of granting the variance request.

Mr. Janos 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 a structure (home addition) within the side yard structural setback at 8 Post Road as represented in the application and site plan presented to the Board. Second by Mr. Clifford. The vote was unanimous in favor of the motion (5-0).

Mr. Janos moved to adjourn the meeting at 7:03pm. Second by Mr. Clifford. The vote was unanimous in favor of the motion (5-0).

Respectfully submitted,

Rick Milner
Recording Secretary