

**TOWN OF NEW HAMPTON
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES**

**SITE VISIT – 4 Carter Mountain Road
New Hampton, NH 03256**

October 2, 2014

MEMBERS PRESENT Regular members: Mr. Hofling, Mr. Tierney, Mrs. Erler, Mr. Frazier, and Mr. Orvis
Alternate member: Mr. Smith

OTHERS PRESENT Mrs. Vose

CALL TO ORDER Mr. Hofling called the meeting to order at 5:07 PM.

PUBLIC HEARING Wesley Hays, Northstar Contractors, was present to represent the
(Cont.) *Northstar Contractors, LLC on application.*

property belonging to Paul Yager, 4 Carter Mountain Road, Tax Map R-12, Lot 25, Variance, Article IV, Section A.4.ii, of the New Hampton Zoning Ordinance

Mr. Hofling advised that this was a continuation of a hearing held on October 1, 2014 at which the board determined a site visit was necessary. The applicant, Northstar Contractors, has requested a Public Hearing in accordance with RSA 676:7, for a Variance request under Article IV, Section A.4.ii of the New Hampton Zoning Ordinance. The applicant's proposal is to construct a 24' X 18' garage, 28 feet from the front right-of-way, which is within the 35' setback. The property is located at 4 Carter Mountain Road, Tax Map R-12, Lot #25, in the General Residential, Agricultural and Rural District.

Mr. Hays pointed out where the garage would be situated closest to the right-of-way of Carter Mountain Road, at 28 feet. He advised it would be 16' by 24'. He said placing the garage on the eastern side of the level area near the house, would place it on the existing septic system. He pointed out that uphill slope of the property, east of the home and that placing the garage uphill would require a walkway and would make it difficult for the elderly property owner who be relocating to this home. Mr. Hays said he is trying to place the buildings together on the flat portion of the lot. He said that placing the garage further west would place it in front of the nice view Mr. Yager has, and was the reason he purchased this home. Asked why Mr. Yager does not want to connect the garage to the home, Mr. Hays advised it was more costly and there would be issues with the 2 types of foundations, and that a variance would still be necessary as it would still not meet the setback distance. Mr. Hays explained

the work that he had done to the home since Mr. Yager purchased it a short time ago.

Mr. Hays showed the board where the septic system is. Mr. Orvis suggested the applicant could cut into the slope, add a retaining wall, and construct the garage east of the home. Mr. Hays reminded the board that this was an elderly man. Mrs. Erler advised that the fact that this is on a corner lot and had to meet two setbacks makes it more of a hardship. Mr. Hays advised that if Mr. Yager's driveway came from Old Bristol Road the garage would be turned 90° and the setback would not be an issue. There was discussion on which way the home was facing and that though it faced Old Bristol Road the setback distance applies to Old Bristol and Carter Mountain roadways. As Mr. Hays said the garage would be 16' x 24', Mr. Orvis pointed out that the application stated it would be 18' x 24'. Mr. Hays advised that Mr. Yager has decided to reduce the size of the garage by 2 feet.

There was discussion on whether changing the driveway to an access off of Old Bristol Road would solve the setback issue. The board determined that it would be an unsafe location for a driveway due to the poor sight distance. The board discussed turning the garage at an angle and found that it would then have an issue meeting the distance to Old Bristol Road. Mr. Hays pointed out another advantage to this proposed location was that if Mr. Yager needed to replace the old septic system in the future the western portion of the property would be best.

Mr. Hofling said that this was the most sensible place to put a garage given the slope of the property, where most of the 3 acre parcel lies, and the fact that it is a corner lot, make this a hardship. Mrs. Erler pointed out that it is a corner lot and doesn't see the encroachment towards Carter Mountain Road impacting the property across the street or the roadway. Mr. Orvis advised that the entrance to the property off of Carter Mountain is the safest approach and that the slope for most of the lot is severe. Mr. Orvis stated he felt this proposed location was the most reasonable. Mr. Tierney advised that approving the variance will not make the situation worse, and that having the applicant access their lot from Old Bristol Road would create a hazard. Mr. Smith agreed that this was the feasible option for locating a garage.

The Variance will not be contrary to the public interest because:
Mr. Hays wrote: It has no effect on the surrounding properties.

The board agreed it met this criterion.

The spirit of the ordinance is observed because: Mr. Hays wrote: It fits into the neighborhood and the setback difference is minimal.

Mr. Orvis advised that it is adequate space for what the applicant is asking for and the garage is a minimal size. The board agreed it met this criterion.

Substantial justice is done because: Mr. Hays wrote: The owner has no other location for a detached garage.

The board agreed it met this criterion during their discussion.

The values of surrounding properties are not diminished because: Mr. Hays wrote: it should increase the value of surrounding properties.

The board agreed it met this criterion.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because Special Conditions of the property distinguish it from other properties in the area: (A)ii. **No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific application of that provision to the property because:** Mr. Hays wrote: It only positively affects surrounding area from a property value perspective. Without permit the homeowner has no place for storage or vehicle.

The board agreed it met this criterion.

Relative to the proposed use being a reasonable one the board agreed this criterion was met though their discussion.

Mr. Orvis made a motion, seconded by Mr. Frazier, to approve the Variance to construct a 16' X 24' garage, 28 feet from the right-of-way of Carter Mountain Road. The vote was unanimous.

OTHER BUSINESS

There was none

ADJOURNMENT

Mr. Tierney made a motion, seconded by Mrs. Erler, to adjourn at 5:43 pm. Vote was unanimous.

Respectfully Submitted,

Pam Vose
Secretary