

**GILFORD ZONING BOARD OF ADJUSTMENT
MINUTES
JULY 1, 2008
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Zoning Board of Adjustment met on Tuesday, July 1, 2008 at 7:00 p.m. in Conference Room A.

Present were: Chairman- Andrew Howe, Secretary- Robert Dion, Regular members: Charles Boucher and Pat LaBonte.

Absent: Vice-Chairman- Don Chesebrough.

Also present was Stephanie Verdile Philibotte, Administrative Assistant.

Chairman, Howe led the Pledge of Allegiance and introduced Board members and staff. He explained there are four members in attendance to hear the applications and with four members, they operate with a majority vote of three is needed for an approval or denial.

Motion made by P. LaBonte, seconded by C. Boucher to take all the applications off the table. Motion carried with all in favor.

A. Howe introduced the first application. Robert Dion recused himself from discussion on the application.

A. Howe explained the process of having a three member Board and that the decision has to be unanimous. He offered the applicant to either move forward with the application or be tabled to next earliest meeting. Brett Scholbe decided to move forward with the application.

1. **Brett & Elizabeth Scholbe**

Variance requests pursuant to Article 5, Section 5.1.3 and 5.1.4, Table 2-Dimensional Regulations and Article 7, Sections 7.1 and 7.1.1.2, of the Gilford Zoning Ordinance, to allow a ten (10) foot encroachment into the required twenty-five (25) foot side setback and to allow parking to encroach in the required fifteen (15) foot parking setback on Tax Map & Lot #253-174.000.~ The property is located at 33 Trailview Drive in the Single Family Residential Zone.~ File #Z08-13.

Tabled from the June 24, 2008 meeting.

Brett Scholbe, representing the application, gave a brief presentation to the Board. He explained they are building a new home on site that includes a garage. He explained the reasons for the variance and explained the variance is only for Section 5.1.4, Side Setback area. He said they have rearranged the proposed garage in order to meet the front setback and the parking setback requirements. He explained the lot has a lot of ledge on site and in order for them to locate the

garage beyond the setback; they would have to do more blasting of the ledge on site. He said previous blasting on site had negatively impacted one of the abutters' driveway and they are seeking the variance to prevent further blasting on site. The garage is proposed to be located ten (10') feet from the side property line.

A. Howe asked which direction the water flows on site. B. Scholbe explained along the western boundary line is where there is an existing drainage area and they are planning to direct any new runoff to that area. He said they are working with the abutter on that side to correct the drainage and to prevent runoff onto that abutter's property. He said they are trying to direct the runoff to the natural seasonal runoff area, which already includes a drainage swale.

A. Howe asked about an alternative location on site and B. Scholbe said that Wade Crawshaw, Gunstock Acres Water Superintendent, would not permit the driveway to be located over the water line.

C. Boucher asked if they could connect the garage to the house and B. Scholbe said they would have to do a significant amount of blasting and they are trying to prevent that.

A. Howe asked if they have to do any further blasting with the proposed location of the garage and B. Scholbe said no. He said they have already had to do some blasting in order to accommodate the water lines on site. He also said where the septic system is located is the only other spot on the site where he would not have to blast and they cannot locate the garage over the septic.

P. LaBonte said the plan does not show contours and he doesn't understand why they didn't blast an area for the garage at the same time they did for the foundation. B. Scholbe said they bought the lot with an approved building permit and there was a substantial amount of blasting done in order to locate the foundation which was ion place. He said the abutter has concerns over more blasting on site because she had damage to her driveway and flooding in her basement from the previous blasting. Also, he said the cost of more blasting is very expensive.

Discussion ensued about location of the driveway and drainage from the site and in the area. B. Scholbe said a representative from Gilford DPW met with him on site and they determined the proposed location of the driveway based on the best place to locate a culvert to assist in the drainage from the site and in the area. He said the culvert has been installed.

A. Howe opened the hearing of public input; being none, he closed the public hearing.

P. LaBonte said the plans are poor and difficult to look at since they do not show the contours.

A. Howe introduced the next case.

2. **LEA Real Estate, LLC**

Variance request pursuant to Article 8, Section 8.10.5, of the Gilford Zoning Ordinance, to allow a sign to be located less than the required fifteen (15) feet from the front lot line on Tax Map & Lot #204-003.011. The property is located

at 368 Hounsell Ave in the Industrial Zone and Special District/Business Park.
File #Z08-14.

Tabled from the June 24, 2008 meeting.

Steve Smith, representing the application, gave a brief presentation to the Board. He explained the location of the site and submitted pictures for the Board to review. He explained the proposed location is to provide safe sight distance for traffic to enter and exit the site. He said the Gilford and Laconia Development Authority had approved the proposed location of the sign. He said the variance request is to locate the sign only five (5') feet from the property line for public safety reasons. He said the terrain of the site also interferes with the visibility of a sign located in compliance with the zoning ordinance due to the hill and slope in the front of the lot. All other aspects of the sign meet the ordinance requirements. He explained the variance request is for the sign to be located where it is safe for traffic entering and exiting the site.

S. Smith said the sign is twelve (12) feet long and sixty-four (64) inches high.

P. LaBonte asked about the landscape area in the front of the site and if it would be maintained by LEA Real Estate. S. Smith said that area is not LEA Real Estate's property and said it is the right-of-way and they probably would not take care of that area.

A. Howe opened the hearing of public input; being none, he closed the public hearing.

A. Howe introduced the next case.

3. **Robert Robillard Investment Trust**

Variance request pursuant to Article 5, Sections 5.1 and 5.1.3 and Table 2 of the Gilford Zoning Ordinance, to allow a one-car garage to be located within the required thirty-five (35) foot front setback on Tax Map & Lot #223-420.000.

The property is located at 8 Varney Point Road Left in the Single Family Residential Zone.

File #Z08-15.

Tabled from the June 24, 2008 meeting.

Regina Nadeau, representing the application, gave a brief presentation to the Board. She explained the location of the property. She referred to the surveyed plan explaining there is little or no land on site to build a garage. The proposed garage is a one bay garage with storage above and they are proposing to locate it on the existing, paved driveway. She explained other garages and accessory buildings in the neighborhood are located very close to the property lines and the road and are highly visible therefore, this garage in the proposed location would fit with the character of the neighborhood. She referred to photos submitted by the architect showing the proposed garage and explained because the site is so steep; the garage will not be highly visible, as other existing garages in the neighborhood. She reviewed the variance criteria as submitted in the application.

R. Nadeau explained the style of the building does include dormers, but that is just the design and not intended for a living unit, the area is for storage.

A. Howe asked if they would be agreeable to have a condition of approval that would not allow a dwelling unit to be constructed on site. R. Nadeau said they would be willing to do that and create a deed restriction that would be recorded; with the condition that if a living unit could be approved in the future by the Town of Gilford or the NHDES, than it is allowed with this building.

A. Howe opened the hearing of public input; being none he closed the public hearing.

He announced the Board would enter into the deliberative session.

Board Deliberations

R. Dion recused himself from discussion and participation on the application.

Brett & Elizabeth Scholbe

The Board discussed the application and that it is for an area variance. A. Howe asked P. LaBonte if he would prefer to have the application tabled in order for the applicant to provide a plan with contours. P. LaBonte acknowledged the lots in the area are small.

Discussion ensued about the location of the water line in relation to an area that the garage could be located where it would not need a variance. Also, the issue of drainage, snow, ice and runoff on the site affects the location of the driveway and the garage. They discussed since the main water line is already installed there is not any other location for the driveway and garage on site.

Motion made by A. Howe, seconded by C. Boucher, to approve the application for an area variance as having met all the criteria as follows:

- I. *The value of surrounding properties will not be diminished.*
- II. *The variance will not be contrary to the public interest.*
- III. *Denial of the variance would result in unnecessary hardship to the owner because:*
 - a) *An area variance **is** needed to enable the applicant's proposed use of the property given the special conditions of the property. The amount of ledge on the property and the existing water line limit the location for the garage.*
 - b) *The benefit sought by the applicant **cannot be** achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance. It would be costly to blast more ledge out for the garage to meet the setbacks and an abutter suffered damage to her property and flooding to her house with previous blasting on site.*
- IV. *Granting the variance would do substantial justice.*
- V. *The variance is consistent with the spirit of the zoning Ordinance and intent of the Mast Plan.*

Discussion on the motion.

P. LaBonte discussed the setback areas in Town and that the side setback in Gilford Acres should be reduced due to the smaller size of the lots, as most of them are non-conforming

S. Verdile polled the members

P. LaBonte-Yes
C. Boucher-Yes
A. Howe-Yes

Motion carried with all in favor, the variance **was granted.**

LEA Real Estate, LLC

The Board discussed the application. A. Howe said the pictures submitted by S. Smith show the need for the variance. Safety for pedestrians and vehicular traffic is a very important part of the reasoning of the proposed location of the sign

Motion made by C. Boucher, seconded by R. Dion, to approve the application for an area variance as having met all the criteria as follows:

I. The value of surrounding properties will not be diminished.

II. The variance will not be contrary to the public interest. Because the sign would be more visible to the public and provide safe access to the site.

Denial of the variance would result in unnecessary hardship to the owner because:

*a. An area variance **is** needed to enable the applicant's proposed use of the property given the special conditions of the property.* Based on the existing slope on site and the design of the roadway

*b. The benefit sought by the applicant **can** achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance.*

III. The variance is consistent with the spirit of the ordinance.

IV. Substantial justice is done.

v. The value of surrounding properties will not be diminished.

S. Verdile polled the members.

R. Dion-Yes
P. LaBonte-Yes
C. Boucher-Yes
A. Howe- abstained

Motion carried with all in favor. The variance **was granted.**

Robert Robillard Investment Trust

The Board discussed the application. R. Dion said the second floor should be limited to storage only.

Motion made by R. Dion, seconded by P. LaBonte, to approve the application as having met the criteria of an area variance as follows:

- I. *The variance **will not** be contrary to the public interest-*Because other garages in the area are located close to the road
- II. *Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship.*
 - B. Seeking an Area Variance (Boccia)
 - a. *An area variance **is** needed to enable the applicant's proposed use of the property given the special conditions of the property.*
 - b. *The benefit sought by the applicant **cannot be** achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance.*
- III. *The variance is consistent with the spirit of the ordinance.*
- IV. *Substantial justice is done.*
- V. *The value of surrounding properties will not be diminished-* Because it does not interfere with anyone's view and other garages are located close to property lines in the neighborhood.

Discussion on the motion.

P. LaBonte said the proposed is done in good taste and fits in well in the neighborhood. The Board agreed.

S. Verdile polled the members

R. Dion-Yes
P. LaBonte-Yes
C. Boucher-Yes
A. Howe- abstained

Motion carried with all in favor. The variance **was granted.**

MINUTES

Motion made by C. Boucher, seconded by P. LaBonte to approve the minutes from June 24, 2008 as presented. Motion carried with all in favor.

ADJOURNMENT

Motion made by P. LaBonte seconded by R. Dion, to adjourn the July 1, 2008 Zoning Board of Adjustment meeting at 8:30 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant