

TOWN OF LYNDEBOROUGH

Zoning Board of Adjustment

Meeting Minutes

June 30, 2020

Approved

7:04 PM Call to Order & Roll Call
Meeting held at Citizens' Hall, second floor due to COVID-19

Members Present: Chairperson Karen Grybko, Vice Chair Rick Roy, Lisa Post, Linda Anderson and Ray Humphreys

*Newly elected member Ray Humphreys replaces Tom Chrisenton on the Board.
This term expires 2022*

Public Present: Applicants Paul Sherman and Karen Steuer, Contractor Ken Cadrain of KCT Construction, LL, and Building Inspector/Code Enforcement Officer Leo Trudeau

No abutters were present. Pearly Welch did send an email to the secretary but he did not sign the email and the message was only in the subject line therefore it could not be read into the minutes.

Members Karen Grybko, Ray Humphreys and Linda Anderson individually drove by the location.

New Business:

Case 2020-1

**Paul Sherman and Karen Steuer, 17 Brandy Brook Road, Map 232, Lot 001-000
Variance 702.03 for setback requirements**

The applicants are seeking a variance to build a non-conforming building on a non-conforming property of .72 acres. They are requesting a variance to Zoning 702.03 for setbacks to build a 36x24 foot garage 6 feet from the property line.

The Five Variance Criteria

1. Waiving the terms of the Ordinance will not be contrary to the public interest because:

Owner Paul Sherman said there will be no sense of crowding in this location and he didn't want to add an additional driveway cut and this location utilizes the existing cut which may need to be extended 6-7 feet. The garage will be back 66-70 feet from road. The house is close to the road.

Mr. Sherman showed the Board the boundaries on an enlarged map he provided at the meeting, which was not in his original application package.

The garage would be 200 feet from abutter Bob Howe's lot. In the summer, there are trees and they cannot see Mr. Howe's house.

Karen Grybko asked if because this is a non-conforming lot, would a garage in any location be a setback violation? Leo Trudeau answered yes.

Pau Sherman noted that the location of the septic and leach field prevents a garage from being built in other locations. This is the only logical location to build the garage.

Karen Grybko recognized that their house is very close to the road and said when she did a driveway what struck her was that if more than two cars were parked in the driveway it could impact the road. Mr. Sherman said they have two cars and one truck. They have a small parking area in front of the house and it is especially hazardous in the winter. The road and the driveway gets even smaller when with snow and it's dangerous for the road crew and dangerous for their vehicles. Karen Grybko noted the safety hazard.

2. Deviation from the strict requirements of the Ordinance is consistent with the spirit of the Ordinance because:

In the application, Mr. Sherman wrote: "Substantial space left between abutting buildings will avoid crowding between properties. Garage will make use of the existing driveway, so emergency vehicles access will remain the same. The garage will also allow space to keep vehicles away from the road during snowstorms, which will make plowing easier."

The Board did not have any questions.

Mr. Sherman said they would like to get their vehicles off the road.

3. Granting the Variance would do substantial justice because:

No comments made here during the meeting.

The application stated, they are looking for additional space for vehicles and have a small driveway. They would like to get the vehicles away from the road to alleviate a potential hazard to the road crew, as well as protect their vehicles from potential damage.

4. The value of surrounding property will not be diminished because:

Lisa Post asked how the garage doors would align with the driveway. Mr. Sherman showed her on the map.

There is an existing foundation already on the property that was from the old Town Barn dating back to 1938.

Rick Roy brought up the topic that the statement the applicant made regarding, "No sense of crowding" can be a subjective assessment. What feels crowded to one person may

not feel crowded to another. Mr. Roy confirmed that abutter Bob Howe is not in attendance and asked if anyone has checked with Mr. Howe.

There is another U shaped property between Mr. Howe and Mr. Sherman's properties, which is about 150-200 feet of woods. Mr. Humphreys asked if this is a lot of record and wondered if it would make soil based zoning. Mr. Sherman said it is a lot of record.

Building Inspector/Code Enforcement Office Leo Trudeau commented that he spoke with Mr. Howe and he got the answer that Mr. Howe has no problem with this garage proposal. He also felt that the other lot is not a concern. *(there is no signed letter to this statement for the file)*

Ray Humphreys felt that what he and Mr. Roy are wondering if this is a lot of record and if it was to be built on, would that be crowding then since it is also a very small lot.

Mr. Sherman explained that Mr. Howe's house is about 200 feet from the line of the garage, so about 70 feet of the U shaped lot then his property, which has the house on it.

Leo Trudeau confirmed the setback is 35 feet in this district.

5B: Literal enforcement of the provisions of the ordinance is an unnecessary hardship:

- (i) **The following special conditions of the property distinguish it from other properties in the area:**

The lot is a non-conforming lot.

Mr. Humphreys asked the applicants if they considered sliding the garage over a bit to increase the setback. Mr. Sherman said he would but it would only be a matter of feet. There is an old stone foundation there. Lisa Post asked if this would make it more confirming but wanted to verify that it would still not meet the setback requirements.

- (ii) **No fair and substantial relationship exist between the general purpose of the ordinance provision and the specific application of that provision to the property because:**

Leo Trudeau felt this is a somewhat compact area and there are not many homes there. He felt the impact to the neighborhood is positive and felt this contractor does quality work. The Board discussed that this is not a highly travelled road and Brandy Brook Road is a dead end road that has access to fishing and the old train trestles.

- (iii) **The proposed use is a reasonable one because:**

The proposed garage is a modest style building consistent with other buildings in the area. The Board asked if there could be plans to do any activities that would generate noise from the garage such as repairs. At this time, there are no plans.

VOTE: Lisa Post made a motion to approve the Variance Request from 702.03, Setback Requirements on Map 232, Lot 001-000 located at 17 Brandy Brook Road

to build a garage because they met the requirements for the criteria. Rick Roy seconded the motion. Motion passed 5-0.

The Notice of Decision will be available for pick-up in the Town Office on Thursday, July 2, 2020 by noon.

After the vote, Leo Trudeau asked the applicants if they plan to store their vehicles in the garage especially during a snowstorm and the answer was yes.

Election of Officers:

VOTE: Lisa Post made a motion to re-appoint Karen Grybko as Chairperson. Rick Roy seconded the motion. Motion passed unanimously 5-0.

VOTE: Karen Grybko made a motion to re-appoint Rick Roy as Vice-Chairperson. Linda Anderson seconded the motion. Motion passed unanimously 5-0.

Approve Minutes:

The Board will need to approve the October 2, 2019 minutes at the next meeting.

Adjournment:

VOTE: Rick Roy moved, Lisa Post seconded to adjourn at 7:37 p.m. Motion passed 5-0.

Respectfully submitted,

Kathleen Humphreys (Signed Electronically)

Kathleen Humphreys
ZBA Secretary



Town of Lyndeborough Zoning Board of Adjustment

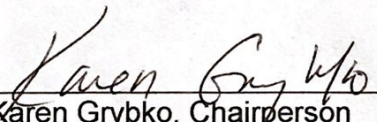
9 Citizens' Hall Road
Lyndeborough, New Hampshire 03082

NOTICE OF DECISION **Case # 2020-01**

You are hereby notified that the request of: Karen Steuer and Paul Sherman, Case 2020-01 Map 232, Lot 01 on 17 Brandy Brook Road, **Lyndeborough, NH 03082**

For a **Variance** per **Zoning 702.03**, for Setbacks to build a 36 x 24 foot garage 6 feet from the property line

Has been GRANTED.



Karen Grybko, Chairperson
Zoning Board of Adjustment

June 30, 2020
Date

Note: A motion for rehearing by the Board of Adjustment shall be filed in accordance with RSA 7677:2.

Notice of Decision: **Case 2020-01**

The application submitted by Karen Steuer and Paul Sherman, and the record in this matter, shall be part of this approval. Copies of this notice will be distributed to: The Applicant, Planning Board, Board of Selectmen and Building Inspector and placed in the property file along with the completed application and supporting documents.