

ZONING BOARD OF ADJUSTMENT

MINUTES

NOVEMBER 18, 2009

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, November 18, 2009 at the Conway Town Office in Center Conway, NH, beginning at 7:30 pm. Those present were: Chair, Phyllis Sherman; Andrew Chalmers; Sheila Duane; Alternate, Cynthia Briggs; Alternate, Martha Tobin; Alternate, Dana Hylen; and Planning Assistant, Holly Meserve.

APPOINTMENT OF ALTERNATE MEMBERS

Ms. Sherman appointed Ms. Briggs and Ms. Tobin as voting members.

PUBLIC HEARINGS

A public hearing was opened at 7:30 pm to consider a **VARIANCE** requested by **JGF PROPERTY MANAGEMENT** in regard to §147.13.8.13.2 of the Conway Zoning Ordinance **to allow a drive-up window with remote outdoor speakers, interactive signs and menu board within 600-feet of a residential property** at 1561 White Mountain Highway, North Conway (PID 246-34). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, October 9, 2009. This hearing was continued from October 21, 2009

Mr. McAllister stated that the applicant is requesting a variance from the 600-foot setback because the speakers will be used after 5:00 pm. Mr. McAllister stated that it is approximately 530-feet to the closest residential building. Mr. McAllister stated there is a Motor Lodge building, trees and a roadway between the speaker box and the residential building. Mr. McAllister stated that he does not think there will be a detrimental impact from the speaker box.

Ms. Sherman read item 1.a. **Ms. Briggs made a motion, seconded by Ms. Duane, that an area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 1.b. **Ms. Duane made a motion, seconded by Ms. Briggs, that 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.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Ms. Briggs, that based on the findings of a and b above, denial of the variance would result in unnecessary hardship to the property owner seeking it. Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

**Adopted: December 16, 2009 – As Written
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Ms. Sherman read item 2. **Ms. Duane made a motion, seconded by Ms. Briggs, that there would not be a diminution in value of surrounding properties as a result of granting this variance.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 3. **Ms. Duane made a motion, seconded by Ms. Tobin, that the use contemplated by the petitioner as a result of obtaining this variance would not be contrary to the spirit and intent of the ordinance.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 4. **Ms. Duane made a motion, seconded by Ms. Tobin, that the granting of this variance will not be contrary the public interest.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 5. **Ms. Duane made a motion, seconded by Ms. Briggs, that by granting this variance, substantial justice would be done.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

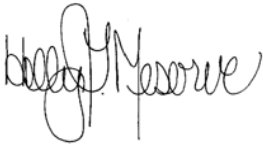
There was no public in attendance. **Ms. Duane made a motion, seconded by Ms. Briggs, that, based on the forgoing findings of fact, the variance from §147.13.8.13.2 of the Town of Conway Zoning Ordinance to allow a drive-up window with remote outdoor speakers, interactive signs and menu board within 600-feet of a residential property be granted by the plan presented. Motion unanimously carried.**

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Chalmers made a motion, seconded by M. Briggs, to approve the Minutes of October 21, 2009 as written. Motion unanimously carried.

Meeting adjourned at 7:47 pm.

Respectfully Submitted,



Holly L. Meserve
Planning Assistant