

ZONING BOARD OF ADJUSTMENT

MINUTES

JANUARY 18, 2017

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, January 18, 2017 at the Conway Town Office in Center Conway, NH, beginning at 7:00 pm. Those present were: Chair, Phyllis Sherman; Vice Chair, John Colbath; Dana Hylen; Alternate, Steven Steiner; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

APPOINTMENT OF ALTERNATE MEMBER

Ms. Sherman appointed Mr. Steiner as a voting member.

PUBLIC HEARINGS

A public hearing was opened at 7:00 pm to consider a **VARIANCE** requested by **THOMAS AND CAROL STAPINSKI** in regards to §147.15.2 of the Conway Zoning Ordinance **to allow an accessory apartment greater than 800 square feet** at 188 Mechanic Street, North Conway (PID 219-19). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, December 9, 2016. This hearing was continued from December 21, 2016.

Mr. Irving stated the applicant has withdrawn the variance request. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the Town has been informed that the application has been withdrawn. Motion unanimously carried.**

A public hearing was opened at 7:03 pm to consider a **SPECIAL EXCEPTION** requested by **FRED HALE** in regards to §147.13.1.2.4.2 of the Conway Zoning Ordinance **to allow an accessory apartment** at 476 West Side Road, Conway (PID 262-4.1). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, January 6, 2017.

Ron Briggs of Briggs Land Surveying appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Ms. Sherman stated that there were only four Board members present and the applicant is entitled to a five-member Board. Ms. Sherman asked if the applicant would like to proceed with four-members or continue for a five-member Board. Mr. Briggs agreed to proceed with four members.

Mr. Briggs stated there is an existing cape cod style house on the lot that the owner would like to have a 620-square foot accessory apartment within. Mr. Briggs stated the septic system was recently redesigned and constructed to accommodate two, two bedroom units; and there is sufficient parking on the site for four to six vehicles. Ms. Sherman asked if the exterior was remaining the same. Mr. Briggs stated there are no changes except for a doorway installed on the side of the building for access to the stairway. Mr. Colbath asked if this will be owner-occupied. Mr. Briggs answered in the affirmative.

Adopted: March 15, 2017 – As Written

CONWAY ZONING BOARD OF ADJUSTMENT – JANUARY 18, 2017

Mr. Irving stated he wants to make it clear to the agent that his client is aware that this accessory apartment cannot be a short-term rental without a site plan approval from the Planning Board. Mr. Irving stated that he spoke with Mr. Hale this morning and indicated to him that he cannot rent both units and that short-term rentals are considered transient-use which is commercial. Mr. Irving stated it can be rented monthly, but not short-term rental.

Ms. Sherman asked for public comment; there was none.

Ms. Sherman read item 1. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the apartment is accessory to an owner-occupied single family dwelling.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 2. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the apartment is no less than 300 square feet and no greater than 800 square feet.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 3. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the apartment is architecturally compatible with the neighborhood.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 4. **Mr. Colbath made a motion, seconded by Mr. Steiner, that sufficient parking is located on site.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Colbath made a motion, seconded by Mr. Steiner, that based on the forgoing findings of fact, the Special Exception pursuant to §147.13.1.2.4.2 of the Town of Conway Zoning Ordinance to allow an accessory apartment be granted. Motion unanimously carried.

REVIEW AND ACCEPTANCE OF MINUTES

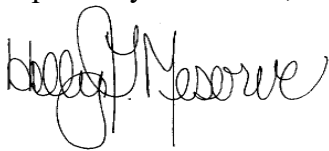
Mr. Colbath made a motion, seconded by Mr. Hylan, to approve the Minutes of December 21, 2016 as written. Motion unanimously carried.

NEW ZBA APPLICATION

Mr. Irving reviewed the new application layout with the Board. **Mr. Colbath made a motion, seconded by Mr. Steiner, to adopt the revised application form as presented. Motion unanimously carried.**

Meeting adjourned at 7:18 pm.

Respectfully Submitted,



Holly L. Meserve
Recording Secretary