

ZONING BOARD OF ADJUSTMENT

MINUTES

DECEMBER 16, 2015

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, December 16, 2015 at the Conway Town Office in Center Conway, NH, beginning at 7:00 pm. Those present were: Chair, Phyllis Sherman; Luigi Bartolomeo; Andrew Chalmers; Alternate, Martha Tobin; Alternate, Steven Steiner; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

APPOINTMENT OF ALTERNATE MEMBERS

Ms. Sherman appointed Ms. Tobin and Mr. Steiner as voting members.

PUBLIC HEARINGS

A public hearing was opened at 7:00 pm to consider a **VARIANCE** requested by **RYAN BURKE** in regards to §147.13.4.4 of the Conway Zoning Ordinance **to allow the construction of an addition and two-story garage within the side setback** at 171 Kearsarge Road, North Conway (PID 219-54). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Wednesday, November 25, 2015.

Greyson Carrier appeared before the Board representing Ryan Burke. Ms. Sherman read the application and the applicable section of the ordinance. Mr. Carrier stated they would like to construct 2-feet from the eastern property line; enlarge the existing garage and put a connector from the house to the garage. Ms. Sherman asked if the existing building has a 2-foot setback. Mr. Carrier answered in the affirmative. Ms. Sherman asked if the existing two-story barn has a 2-foot setback. Mr. Carrier answered in the affirmative.

Mr. Bartolomeo asked if they are really enlarging the barn, or actually removing it. Mr. Carrier stated they would like to make a larger footprint. Mr. Bartolomeo asked if they are removing and building a larger building. Mr. Carrier answered in the affirmative and stated that they will be tearing it down, but might be using the existing garage foundation. Ms. Sherman asked how much larger would the proposed garage be over the existing building. Mr. Carrier stated the existing garage is 324 square feet. Ms. Sherman asked how much additional encroachments will there be. Mr. Carrier answered 30-lineal feet.

Mr. Carrier stated the intention of having the garage on the side is for the driveway to swing to get the vehicles into the garage. Mr. Carrier stated if it moves to the west there would not be enough radius to get the car into the garage. Ms. Sherman stated there are approximately 65-feet from the end of the garage to the rear of the lot, and the lot is 165-feet in depth; that leaves 100-feet of encroachment. Ms. Sherman asked how much the existing building encroaches into the setback. Mr. Carrier stated the house is close to 20-feet off the road. Mr. Irving stated does the building encroach into the front setback, yes. Mr. Irving stated how much new encroachment will be within the setback; the answer would be hundreds of square feet.

Mr. Irving stated the connector itself will be 600 square feet of encroachment; and the remainder is going to be 300-350 square feet for a total of almost 1,000 square feet. Mr. Irving stated these are ball park numbers based on the sketch provided by the applicant. Mr. Bartolomeo stated and those are only first floor calculations. Mr. Irving agreed.

Adopted: January 20, 2016 – As Written

CONWAY ZONING BOARD OF ADJUSTMENT – DECEMBER 16, 2015

Mr. Steiner stated the existing house has definitely been added onto and asked if there are any kinds of building permits issued for this expansion. Mr. Irving stated he would have to research when the addition was added and was it added before the adoption of the zoning ordinance. Mr. Irving asked if the Board wanted him to research when the garage was constructed. The Board agreed. **Ms. Tobin made a motion, seconded by Mr. Chalmers, to continue the public hearing for Ryan Burke until January 20, 2016 at 7:05 pm. Motion unanimously carried.**

A public hearing was opened at 7:19 pm to consider a **SPECIAL EXCEPTION** requested by **RYAN BURKE** in regards to §147.13.4.2.4.2 of the Conway Zoning Ordinance **to allow an accessory apartment** at 171 Kearsarge Road, North Conway (PID 219-54). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Wednesday, November 25, 2015.

Greyson Carrier appeared before the Board representing Ryan Burke. Ms. Sherman read the application and the applicable section of the ordinance. Ms. Sherman asked for public comment; Sheila Duane representing the Tarberry Company stated one of the criteria's of the special exception is that they provide parking; the site plan submitted to the Board does not address parking spaces. Ms. Duane stated the Tarberry Company's parking lot has become the parking lot for the neighborhood. Ms. Duane stated if granted they would like all parking be accessible on their property. Ms. Duane stated if there is a car in their driveway, the other cars park in their parking lot; their guests park in the lot and they just want to make sure that their lot can handle parking.

Mr. Bartolomeo asked Ms. Duane how they felt regarding the two-foot encroachment. Ms. Duane stated they are not in favor of the encroachment; it is an expansion of a non-conforming structure. Mr. Carrier asked if they would be willing to sell land. Ms. Duane stated they would have to pose that in writing to the President of the company.

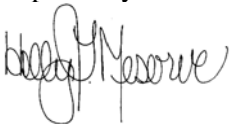
Ms. Duane stated she would also like it noted if the apartment is approved that it can support a dumpster as our company dumpster is the neighborhood dumpster as well. AJ Carrier stated she believes the Burke's have trash pickup. Ms. Sherman stated that these will be questions that will be asked at the next meeting. **Ms. Tobin made a motion, seconded by Mr. Chalmers, to continue the public hearing for Ryan Burke until January 20, 2016 at 7:05 pm. Motion unanimously carried.**

REVIEW AND APPROVAL OF MINUTES

Mr. Chalmers made a motion, seconded by Mr. Bartolomeo, to approve the Minutes of October 21, 2015 as written. Motion carried with Ms. Tobin abstaining from voting.

Meeting adjourned at 7:32 pm.

Respectfully Submitted,



Holly L. Meserve
Recording Secretary