

ZONING BOARD OF ADJUSTMENT

MINUTES

JULY 18, 2018

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, July 18, 2018 at the Conway Town Office in Center Conway, NH, beginning at 7:00 pm. Those present were: Chair, Phyllis Sherman; Luigi Bartolomeo; Andrew Chalmers; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

PUBLIC HEARINGS

A public hearing was opened at 7:00 pm to consider a **VARIANCE** requested by **KATHY GARLAND/MICHAEL CORBRIDGE/MWV KUSTOMZ, LLC** in regards to §190-20.F.(2) of the Conway Zoning Ordinance **to allow an additional freestanding sign** at 545 Eastman Road, Center Conway (PID 252-37.4). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 8, 2018. This hearing was continued from June 20, 2018.

Michael Corbridge appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Ms. Sherman stated there are only three-members present and the applicant is entitled to a five-member Board. Ms. Sherman asked if Mr. Corbridge would like to proceed with three-members or continue the hearing for a five-member Board. Mr. Corbridge agreed to proceed with three members.

Mr. Corbridge stated he would like a sign by the street; the biggest complaint he hears is that delivery trucks cannot find them. Mr. Irving stated this particular property is part of a unit subdivision; it is one parcel with four exclusive use areas. Mr. Irving stated the reason a sign permit was not granted is because each lot is entitled to one freestanding sign and there are four units. Mr. Irving stated two of the units have a freestanding sign; Care Plus and Johnson's Auto, but AmeriGas and this unit do not.

Mr. Irving stated in respect to location or size, he is not requesting a variance; he needs a variance for any sign in any location. Mr. Irving stated the freestanding sign would have to meet all the other sign requirements.

Ms. Sherman asked for Board comment; Mr. Bartolomeo stated there is nothing on the road and he passed the site before he realized it. Mr. Bartolomeo stated he empathizes with your hardship and he sees the need for a freestanding sign. Mr. Chalmers asked about directional signage. Ms. Sherman stated there is only signage on the building. Ms. Sherman asked for public comment; Jason Spear stated people looking for the place will realize once they are on top of it and immediately break; he sees this as a safety hazard.

Adopted: August 15, 2018 – As Written

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Ms. Sherman read item 1. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that the variance will not be contrary to the public interest.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 2. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that the spirit of the ordinance is observed.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 3. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that substantial justice is done.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 4. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that the values of surrounding properties are not diminished.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 5.a.i. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Sherman read item 5.a.ii. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that the proposed use is a reasonable use.** Ms. Sherman asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that based on i and ii above literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Motion carried unanimously.

Ms. Sherman read item 5.b. **Mr. Chalmers made a motion, seconded by Mr. Bartolomeo, that item 5.b is not necessary. Motion carried unanimously.**

Mr. Chalmers made a motion, seconded by Mr. Bartolomeo, that, based on the forgoing findings of fact, the variance from §190-20.F.(2) of the Town of Conway Zoning Ordinance to allow an additional freestanding sign be granted. Motion carried unanimously.

A public hearing was opened at 7:12 pm to consider a **SPECIAL EXCEPTION** requested by **AUSTIN ORTH AND LAURA DENIS** in regards to §190-16.B.(4)(b) of the Conway Zoning Ordinance **to allow an accessory apartment** at 30 The Lane, North Conway (PID 219-30). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, July 6, 2018.

Austin Orth and Laura Denis appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance.

Adopted: August 15, 2018 – As Written

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Ms. Sherman stated there are only three-members present and the applicant is entitled to a five-member Board. Ms. Sherman asked if Ms. Denis and Mr. Orth would like to proceed with three-members or continue the hearing for a five-member Board. Mr. Orth agreed to proceed with three members.

Mr. Bartolomeo asked if this would be a new garage with an apartment above. Mr. Orth answered in the affirmative. Mr. Bartolomeo asked how big the proposed building is. Mr. Orth stated the living space will be 800 square feet, and the garage beneath it will be the same. Mr. Orth stated this property is currently an Airbnb that we might end. Mr. Irving stated the Airbnb will have to end in order for the special exception to be granted.

Mr. Irving stated one of the requirements is that the property be owner-occupied, however, it does not matter which unit you occupy. Ms. Denis stated they would be ending the Airbnb and renting it yearly. Mr. Orth submitted plans [in file] of the garage and apartment. Mr. Bartolomeo stated the plan indicates that the living space is 1,000 square feet. Mr. Orth stated it would only be 800 square feet; need to subtract the stairs and the porch.

Mr. Irving stated we don't consider non-enclosed areas as floor areas. Mr. Bartolomeo asked if the porch would be an opened deck, not heated and not enclosed. Mr. Orth answered in the affirmative. Mr. Chalmers asked if the entrance to the garage would be accessed from The Lane. Ms. Denis answered in the negative and stated it would be accessed off Mechanic Street; they have submitted a driveway permit to the Town.

After a brief discussion, the Board determined to continue the public hearing until the next meeting so the applicant could submit the actual floor dimensions. There was no public in attendance.

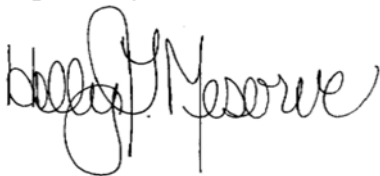
Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, to continue the public hearing for Austin Orth and Laura Denis until August 15, 2018 at 7:00 pm. Motion carried unanimously.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, to approve the Minutes of June 20, 2018 as written. Motion carried unanimously.

Meeting adjourned at 7:28 pm.

Respectfully Submitted,



Holly L. Meserve
Recording Secretary