

ZONING BOARD OF ADJUSTMENT

MINUTES

AUGUST 15, 2018

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, August 15, 2018 at the Conway Town Office in Center Conway, NH, beginning at 7:00 pm. Those present were: Chair, Phyllis Sherman; Vice Chair, John Colbath; Luigi Bartolomeo; Andrew Chalmers; Steven Steiner; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

PUBLIC HEARINGS

A public hearing was opened at 7:00 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. This hearing was continued from July 18, 2018.

Austin Orth and Laura Denis appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Ms. Sherman stated that a revised plan has been submitted and indicates a 770 square foot apartment. Ms. Sherman stated the porch has been removed from the square footage. Mr. Orth agreed. Ms. Sherman asked if the porch was not enclosed. Mr. Orth answered in the affirmative. Mr. Bartolomeo stated the porch has walls and a ceiling. Mr. Orth agreed and stated that it would not be enclosed.

Mr. Bartolomeo stated this property is located within the North Conway Village Residential District and asked if the coffee roasting business is permitted under a home occupation. After a review of the file, Mr. Irving stated the coffee roasting business is permitted as a home occupation.

Mr. Bartolomeo asked if the owner of the business would have to occupy the home for it to be a valid home occupation; however, it has been noted that this site is being used as an Airbnb. Mr. Irving stated the Board could add a condition to the approval that neither the principal dwelling or the accessory apartment can be used for short-term rentals.

Mr. Bartolomeo asked if they were forgoing the Airbnb. Mr. Orth answered in the affirmative and stated it would become a long-term rental. Mr. Irving asked if the coffee roasting business was their business. Mr. Orth answered in the affirmative and stated that he plans to move the coffee roasting business to the garage; it would no longer be in the rental unit, but would be in his occupancy. Mr. Bartolomeo stated the coffee roasting business would be out of the house and in the garage. Mr. Orth agreed.

Mr. Irving read the requirements for a home occupation. Mr. Irving stated the home occupation has to be conducted within the principal residential unit. Mr. Orth asked if that means he would have to live in the house. Mr. Irving answered in the affirmative.

Adopted: September 19, 2018 – As Written

CONWAY ZONING BOARD OF ADJUSTMENT – AUGUST 15, 2018

Ms. Denis asked if they could build the garage with the apartment and rent that out and live in the house and have the roasting business in the house. Mr. Irving answered in the affirmative and stated if the garage was constructed the owner of the coffee roasting business and the coffee roasting business would have to be in the principal residence. Ms. Denis and Mr. Orth both indicated that they understand that and agreed to it.

Mr. Chalmers indicated that he was concerned with the site distance with the new driveway proposed on Mechanic Street. Mr. Irving stated it would be up to the Town Engineer. Mr. Chalmers stated that one of the items that needed to be determined by this Board is if there is sufficient parking. Mr. Irving asked if there would be two spaces in the garage and if the other driveway on The Lane could accommodate two parking spaces. Mr. Orth answered in the affirmative.

Mr. Irving stated if the Board is considering approving this special exception they may want to include conditions that 1) neither the principal dwelling nor the accessory apartment can be used for short-term rentals; and 2) the coffee roasting business and the proprietor of same must be in the principal dwelling unit. 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 carried unanimously.**

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 carried unanimously.**

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 carried unanimously.**

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

Mr. Colbath made a motion, seconded by Mr. Steiner, that, based on the forgoing findings of fact, the Special Exception pursuant to §190-16.B.(4)(b) of the Town of Conway Zoning Ordinance to allow an accessory apartment be granted with the conditions that neither the principal dwelling nor the accessory apartment can be used for short-term rentals and the coffee roasting business and the proprietor of same must be located within the principal dwelling unit. Motion carried unanimously.

A public hearing was opened at 7:17 pm to consider a **SPECIAL EXCEPTION** requested by **PETER AND KATHY NOURSE** in regards to §190-13.B.(4)(b) of the Conway Zoning Ordinance **to allow an accessory apartment** at 31 Mason Road, North Conway (PID 215-90). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, August 3, 2018.

Adopted: September 19, 2018 – As Written

CONWAY ZONING BOARD OF ADJUSTMENT – AUGUST 15, 2018

Peter and Kathy Nourse appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Mr. Irving stated the applicant would like to request a continuance until the next meeting. Mr. Irving stated they currently have a legally existing non-conforming use with warehousing and storage and the special exception for an accessory apartment requires the property be residential property to be accessory. Mr. Irving stated they are not convinced they want to give the non-conforming use up at this time.

Mr. Colbath made a motion, seconded by Mr. Steiner, to continue the public hearing for Peter and Kathy Nourse until September 19, 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 July 18, 2018 as written. Motion carried with Mr. Colbath and Mr. Steiner abstaining from voting.

Meeting adjourned at 7:22 pm.

Respectfully Submitted,



Holly L. Meserve
Recording Secretary