

Franconia
Zoning Board of Adjustment
Hearing: May 30, 2019

Summary
6-04-19

After receiving an appeal by Stanley and Lorie Sherburn (Applicants) on May 2, 2019, the Town posted notice and scheduled a public hearing.

At this public hearing on May 30, 2019, the Zoning Board of Adjustment (Board) heard with interest evidence that pertains to the facts of this appeal and how the facts relate to the recently revised provisions of the Franconia Zoning Ordinance, the Town's Master Plan and New Hampshire law.

Seeking a permit for an accessory dwelling unit (ADU) as set forth in the recently revised Town zoning ordinance, RSA 674:33 and 674:71-73, the Applicants requested variances and a special exception. Their signed and dated Application forms were reviewed by the Town's Building Inspector.

At the 6:00 p.m. hearing, the Board deliberated and granted the Applicants three conditional use variances:

- Allowing a detached accessory dwelling unit.
- Waiving the requirement for an interior door connecting the two living units.
- Permitting an increase in the size of the proposed accessory dwelling unit by approximately 150 square feet.

In accordance with the requirements of Article 3, Section 13 of the Town's zoning ordinance, the Board shall grant by special exception accessory dwelling units (ADU's) when the following conditions are met:

A: *"A maximum of one (1) accessory dwelling unit may be permitted on property which is located in a zoning district that allow Single-Family Dwellings and must be attached or within the principal single family dwelling unit."*

The "attachment" condition was met after a variance allowing the Applicants to build "...a detached Accessory Dwelling Unit"...." was granted.

B: *"An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit."*

This condition was met after a variance was granted curing the requirement for an interior door.

C. *"All municipal regulations applicable to single-family dwellings shall also apply to the accessory dwelling units, including but not limited to, lot and building dimensional requirements. A minimum of two parking spaces shall be provided for the (ADU)... unit."*

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Requirements have been satisfied with respect to a lot line adjustment and provision for parking spaces. The Applicants will be required to comply with regulations applicable to single-family dwellings including, but not limited to building dimensional requirements and all other applicable municipal regulations.

D. *"The Applicant for a conditional use permit shall demonstrate adequate provisions for water supply and sewage disposal for the accessory and primary dwelling units in accordance with RSA 485-A:38"*

The Applicants have stated and documented they meet these requirements.

E. *"Either the principal dwelling unit or the accessory unit must be owner occupied. The owner must demonstrate that one of the units is their principal place of residence. Both the primary dwelling unit and the accessory dwelling unit must remain in common ownership. Transfer of either dwelling unit to condominium ownership is not permitted."*

The Applicants have stated that, as owners, they intend to occupy the accessory dwelling unit and that the two dwelling units will not be sold separately under the condominium form of ownership.

F. *"Accessory dwelling units shall maintain an aesthetic continuity with the principal unit as a single family dwelling."*

The proposed design and exterior appearance of auxiliary dwelling unit provides aesthetic continuity with the principal dwelling unit; this condition has been met.

G. *"An accessory dwelling unit shall be no bigger than one-third the size of the square footage the living space in the principal living dwelling unit...."*

A variance was granted allowing a 167 square foot increase over the allowed space of 750 square feet in this case.

H. *"The accessory dwelling unit shall have no more than two bedrooms."*

The proposed accessory dwelling unit will have a single bedroom and complies with the condition.

The Board determined that the Applicants were in compliance with each and every one of the conditions outlined in the ordinance. Following a motion duly made and seconded, the Board, by unanimous vote, granted the special exception.

The approval of the Sherburn Applications conforms with the spirit, the letter and the purpose of the Town's recently amended zoning ordinance and master plan.

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These unanimous decisions are consistent with recent changes in State law —
RSA 674: 71-73 — new provisions intended to facilitate the construction of
affordable housing for residents and members of our community.

Peter Grote, Chair

June 3, 2019