

MINUTES
FRANCONIA ZONING BOARD of ADJUSTMENT
MEETING & PUBLIC HEARING
Wednesday, July 24, 2014

Board members present: Donald Lawton, Melinda Richmond, Phil Krill, Lydia Cumbee & Sharon Hoyle.

Other present: Elizabeth Andrews & Keith Batchelder & Allan Clark, Town Bldg. Officer

A meeting and public hearing of the Franconia Zoning Board of Adjustment (ZBA) was held on July 24, 2014 at the Franconia Town Hall.

The meeting was called to order by Chairman Donald Lawton at 6:00 PM.

Lydia Cumbee made a motion to swear in Sharon Hoyle, an alternate member so that there was a quorum. Phil Krill seconded it and the motion carried that Sharon Hoyle was considered a voting member for this hearing.

Mr. Lawton called the public hearing to order at 6:05 pm.

PUBLIC HEARING:

Application for Variance Case 2014-01

This application was originally filed by Elizabeth Andrews On June 4th, 2014 and was dismissed by the ZBA and applicants were directed back to the Board of Selectmen to obtain a definition of a portable structure.

The Selectmen sought legal counsel's advice and were directed to advise the applicant to return to the ZBA and request another hearing on her variance application and if she met the variance criteria the ZBA should grant it and if not they should deny it.

Chairman Donald Lawton summarized the above also stating that the attorney confirmed that since there was no definition of structure in the zoning ordinance but the dictionary defined a structure as something that is built by putting parts together that usually stand on its own. It seemed obvious that the proposed metal two car garage with asphalt pad was a structure and therefore must comply with the zoning ordinance. Don asked if the Board wanted the applicant to review their hardships again. The Board members had reviewed all of the newest information and did not feel the need to have this reviewed. There was also the submission of a site plan with scaled measurements.

The fact remained that the proposed structure was still 30 feet short of the set-back that was required. Melinda Richmond said she spoke to the Town Road Agent who said that Plantation Road was on the verge of being redone. They will be ripping up the pavement and making it gravel which will widen the road a foot on either side. Allan Clark introduced himself as the Town's Building Officer and explained that he has jurisdiction to enforce the law but ultimately his job is to refer the issues to the Board of Selectmen and for them to enforce.

Melinda Richmond made a motion to close the public session and Phil Krill seconded and the Public Session was closed at 6:15.

Don Lawton then opened the private session.

Each member was able to give their input on the case and the consensus was the fact that the lot is already non-conforming and to allow the placement of this structure which would not meet the set-back from the center of the road and did not see any real hardship as there are other options. Don Lawton described the purpose of the ZBA to enforce the laws of zoning and felt that this application did not meet the criteria for acceptance and therefore did not feel that the ZBA had the right to grant the variance. Phil Krill made a motion to deny the application. Melinda Richmond seconded and the vote was 4 yes, 1 NEA. The Variance application was denied.

Lydia Cumbee made a motion to close the private session Don Lawton seconded and the Private session was closed at 6:20 pm.

The ZBA had a brief discussion with Allan Clark to get clarification on what his role is. He explained that he is in place to enforce certain aspects of the zoning and laws and to be sure that buildings etc. are being built within the guidelines of the Town's zoning. He explained that he came to the meeting on his own due to the fact that there was a violation with the building code.

The ZBA was very happy to hear that Allan was on board and that there will actually be someone issuing occupancy permits and enforcing zoning.

Meeting was adjourned at 7:40 pm

Respectfully submitted,

Marilyn Knowlton
Secretary