

TOWN OF ALLENSTOWN
Zoning Board of Adjustment
16 School Street
Allenstown, New Hampshire 03275
October 8, 2014

Call to Order.

The Allenstown Zoning Board of Adjustment Meeting for October 8, 2014 was called to order by The Chair at 6:40pm.

Roll Call.

Present on the Board: Eric Feustel, Tim Baldasaro, Chris Roy, and Diane Demers.

Others Present.

Residents of Allenstown: Orville Cook

Others Present: Joyce Welch

Other Public Officials:

Allenstown Staff: Dana Pendergast, Building Inspector.

Meet with Orville Cook regarding Case #2014-007

The Chair stated that Case #2014-007 is a variance for Orville Cook of 40 School St who wants to build an extended deck on a pre-existing structure. The Chair informed the applicant of his right to be heard by a full board. He needed 3 affirmative votes (not simply a majority of those present in order to receive their requested variance or special exception. The applicant agreed to be heard by the board present. He stated that the setback is normally 15 feet and that the deck would come in 10 feet 3 inches of the property line. He stated that Mr. Cook would be required to demonstrate that it will not deteriorate the values on the surrounding properties as a result of granting this variance.

Mr. Pendergast stated that the ordinance reads “no structure shall be closer than 20 feet from the street, 30 feet from the rear lot line or 15 feet from the side.” He stated the side lot line is in question. He explained the house doesn’t meet the ordinance requirements and now they want to extend the deck. He stated “he is adding onto the building which is making it longer. The width of the deck is the same encroachment to his neighbor.”

The Chair asked if there were any safety issues with the extension of the deck. Mr. Pendergast stated “There will not be any safety issues.”

The Chair asked if the abutting lot has a 15 foot setback as well. Mr. Pendergast stated “None of the lots in the areas meet the requirements in the ordinance regarding the setbacks.”

Motion. Mr. Roy made a motion to enter into deliberation. Mrs. Demers seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Feustel– Yes; Mr. Baldasaro –Yes; Mr. Roy – Yes; and Mrs. Demers-Yes. The Chair declared the Motion passed.

The Chair asked if the board agreed that the condition is met. The board members agreed.

The Chair asked if the board agreed that granting the variance is not contrary to the public interest. The board members agreed.

The Chair asked if the board agreed that literal enforcement creates unnecessary hardship. The board members agreed.

The Chair asked if the board agreed that use is reasonable. The board members agreed.

The Chair asked if the board agreed substantial justice is done. The board members agreed.

The Chair asked if the board agreed variance is in the spirit of the ordinance. The board members agreed.

Motion. Mr. Roy made a motion to grant the variance. Mr. Baldasaro seconded the Motion.

A Roll Call Vote was taken: Mr. Feustel– Yes; Mr. Baldasaro –Yes; Mr. Roy – Yes; and Mrs. Demers-Yes. The Chair declared the Motion passed.

Motion. Mrs. Demers made a motion to come out of deliberation. Mr. Roy seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Feustel– Yes; Mr. Baldasaro –Yes; Mr. Roy – Yes; and Mrs. Demers-Yes. The Chair declared the Motion passed.

The Chair informed Mr. Cook there is a 30 day waiting period in which it can be appealed. He stated “He will receive a written notice of the decision within a week.”

Review and Approve Minutes

Motion. Mr. Roy made a motion to accept the minutes for September 10, 2014 with the corrected names. Mr. Feustel seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Feustel– Yes; Mr. Baldasaro –Yes; Mr. Roy – Yes; and Mrs. Demers-Yes. The Chair declared the Motion passed.

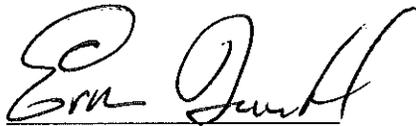
Motion. Mrs. Demers made a motion that the meeting date would be on the second Wednesday of the month. Mr. Roy seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Feustel– Yes; Mr. Baldasaro –Yes; Mr. Roy – Yes; and Mrs. Demers-Yes. The Chair declared the Motion passed.

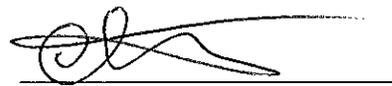
Motion. Mr. Roy made a motion to adjourn. Mr. Baldasaro seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Feustel– Yes; Mr. Baldasaro –Yes; Mr. Roy – Yes; and Mrs. Demers-Yes. The Chair declared the Motion passed.

The Chair declared the meeting adjourned at 7:25pm.



Eric Feustel, Chairman



Christopher Roy, Member



Diane Demers, Member

Timothy Baldasaro, Member

Richard Daughen, Member

6/10/2015

Date