

TOWN OF ALLENSTOWN  
Zoning Board of Adjustments  
16 School Street  
Allenstown, New Hampshire 03275  
May 8, 2019

**CALL TO ORDER**

The Allenstown Zoning Board of Adjustments meeting of May 8, 2019 was called to order by Chair Keith Klawes at 6:35 pm.

Chair Klawes called for the Pledge of Allegiance.

**ROLL CALL**

Present on the Board: Dawna Baxter, Jeff Gryval, Chad Pelissier, Keith Klawes

**NEW BUSINESS/RECIPT OF APPLICATIONS & PUBLIC HEARINGS**

**Nathan Tilton – 8 Hamel Ave (112-040) Residential 1 Variance Request: Article VII Section 703 b.2 – New two-car garage**

Mr. Tilton said he understood that only four of the five members were present and that he would need three affirmative votes to succeed with his request. He agreed to go ahead with the hearing. He said he wants to tear down his one-car garage, which is 65 years old, and build a two-car, detached garage on the same site. It would be built closer to the home, so would not be any closer to the adjacent garage of his neighbor than the current one. The neighbor's garage is four feet away. He wants to build the garage on a monolithic floating slab. He wants this to be detached because an attached garage would cost four times as much. Like the existing garage, the new one will be non-conforming, but not to a greater extent.

Ms. Baxter asked if the new garage will be taller than the existing one.

Mr. Tilton said that it would not.

Chair Klawes announced that the members would be going into deliberation. He read the first criteria.

1. There will not be a diminution of the value of the surrounding properties.

Mr. Gryval said that this criterium is met because no one is here to contest the variance.

Ms. Baxter agreed.

2. The granting of the variance will not be contrary to the public interest

All members agreed that granting a variance would not be contrary to the public interest because the new garage is on the site of the old one, with the extra footage needed coming from the owner's property, and many other properties in the area have similar structures.

minutes 5.8.19

Dawn Baxter  
Dawn Baxter

Keith Klawns  
Keith

Jeffrey J. Sigel

Chad Pelissier  
Chad Pelissier

3. The literal enforcement of the zoning ordinance will create an unnecessary hardship

Mr. Gryval said that this one bothers him because they are not supposed to look at cost. Cost is not a hardship. He added that this is unique and agreed that not granting the variance would create an unnecessary hardship.

All members agreed that literal enforcement of the ordinance would create an unnecessary hardship.

4. Through the granting of relief by a variance substantial justice will be done.

All members agreed that granting relief by a variance constitutes substantial justice.

5. The spirit of the ordinance will be observed in the use for which the variance is requested.

Mr. Gryval said that this is about the spirit of the ordinance, not the spirit of the neighborhood, which is what the applicant has addressed.

All members agreed that literal enforcement of the ordinance would create an unnecessary hardship.

Mr. Klawes made a motion to grant the variance to approve the new two-car garage. Mr. Gryval seconded the motion.

A roll call vote was taken on the motion:

Dawna Baxter, aye; Chad Pelissier, aye; Keith Klawes, aye; Jeff Gryval, aye.

The motion carried.

Chair Klawes advised the applicant that there is a 30-day appeal period, so if he begins construction prior to that, he will do so at his own risk.

#### **UNAPPROVED AND UNSIGNED MINUTES**

Mr. Pelissier made a motion to approve the minutes of the March 13, 2019 meeting as amended. Mr. Klawes seconded the motion. A roll call vote was taken: Dawna Baxter, aye; Jeff Gryval, aye; Keith Klawes, aye; Chad Pelissier, aye.

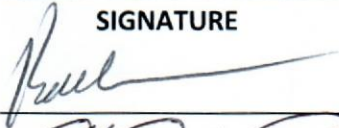

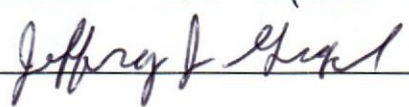
Mr. Gryval made a motion to approve the minutes of the March 20, 2019 meeting as amended. Mr. Pelissier seconded the motion. A roll call vote was taken: Dawna Baxter, aye; Jeff Gryval, aye; Keith Klawes, aye; Chad Pelissier, aye.

#### **ADJOURNMENT**

Chair Klawes made a motion to adjourn the meeting at 7:20 pm. Mr. Pelissier seconded the motion. A roll call vote was taken: Dawna Baxter, aye; Jeff Gryval, aye; Keith Klawes, aye; Chad Pelissier, aye.





SIGNATURE	MEMBER	DATE
	Keith Klawes, Chairman	<u>6/26/19</u>
	Chad Pelissier, Vice Chairman	<u>6/26/19</u>
	Dawna Baxter, Secretary	<u>6/26/19</u>
	Jeff Gryval, Member	<u>6-26-19</u>
	Roger Laflamme, Member	

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