

**UNAPPROVED
CANDIA ZONING BOARD OF ADJUSTMENT
MINUTES OF August 23, 2011**

Present: Boyd Chivers, Chairman; Judith Szot, Vice Chair; Ron Howe; Frank Albert; Ingrid Byrd;

Absent: John Easter, Alt, Amanda Soares, Alt

Chairman Chivers called the public meeting to order at 7:00 p.m. immediately followed by the Pledge of Allegiance.

Approval of July 26, 2011 Minutes

I. Byrd **motioned** to accept the minutes of May 24, 2011 as presented. J. Szot **seconded**. **All were in favor.**

Case 11-589 Applicant: Dennis & Lisa Richards 18 Flint Road, Candia NH 03034; Owner: Same; Map 413 Lot 088; for variances under Section 6.02 Table of Dimensional Requirements: to permit a farmers porch & addition within the front setbacks and Section 2.02B Change and Expansion: to enlarge the house. Applicants Dennis & Lisa Richards were present. Abutters were notified and none were present. Chair Chivers commended the applicant on the plans submitted. D. Richards presented the case. He showed a picture of the Flint Road and a picture of his home with the current porch. D. Richards explained the diagram and how he measured from the center of the road and the right of way from the road. He said the porch extends 6 feet from the house and measures 47 ½ feet from the front set back. He said he would like to extend out another 2 feet into the setbacks with a farmers porch and the addition. The extra two feet would make the farmer's porch useable. He said he wanted the addition to match the farmer's porch so he could access the addition via a door from the farmer's porch. He showed a picture of what the house would look like with the addition and farmers porch.

Chair Chivers said if the applicant constructed the farmer's porch 6' there wouldn't be a need for a variance. He said he understands that 6 feet is not very useable. J. Szot said the diagram submitted and presentation is what the ZBA always asks for and seldom receive. R. Howe said it was simple to understand on the graph paper. F. Albert verified 47 ½ foot setback from porch to edge of road, 52 ½ foot setback from the house foundation to the edge of the road. D. Richards said the house is almost square to the road. D. Richards said the porch and addition would raise the value of his house and surrounding homes. Chair Chivers said when the addition and porch is built the structure will be 44 ½ feet from the edge of the road. Hearing no more questions, Chair Chivers asked for a vote to close the public hearing to deliberate the case.

J. Szot **motioned** to close the public hearing to deliberate the case. F. Albert **seconded**. **All were in favor.**

Chair Chivers asked I. Byrd to read the variance criteria.

Variance under Section 6.02 Table of Dimensional Requirements: to permit a farmers porch & addition within the front setbacks

I Byrd read the variance criteria under RSA 674:33.

"1. The variance will not be contrary to the public interest;" The Board was in agreement the variance would not be contrary to the public interest.

"2. The spirit of the ordinance is observed;" The Board was in agreement the spirit of the ordinance would be observed.

"3. Substantial justice is done;" The Board was in agreement that substantial justice would be done.

"4. The values of surrounding properties are not diminished; and" The Board was in agreement the

values of the surrounding properties would not be diminished.

“5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*”

The Board was in agreement the ordinance would result in an unnecessary hardship.

J. Szot **motioned** to grant a variance under 6.02 Table of Dimensional Requirements: to permit a farmers porch & addition within the front setbacks on 18 Flint Road, Map 411 Lot 88, within 44 ½ feet from the setbacks. I. Byrd **seconded**. Discussion followed.

F. Albert agreed all 5 criteria were met. He said the house setback of 52 ½ feet should have been taken into consideration. Chair Chivers said the house is 52 ½ feet and the porch is 47 ½ feet. He said the applicant wants to add 2 more feet for a farmer’s porch and addition, so it will be functional. I. Byrd said at the May 25, 2010 hearing a variance for a porch 8 feet wide was granted that was 29’ from the setback. F. Albert said he is favor of the variance but wants to remain consistent. R. Howe said in past cases, encroaching into the setbacks was allowed because it was the only reasonable thing to do. R. Howe said instead of using the distance from the road as the setback he suggested using a fixed location such as the foundation of the house. R. Howe said it is better to set the distance from a fixed point because road setbacks can change. F. Albert said calculation of setbacks varies from road to road and there is always the question if the road is centered in the right of way. Chair Chivers said setbacks will always be a controversial issue.

J. Szot revised her motion to say, **motion** to grant a variance under 6.02 Table of Dimensional Requirements: to permit a farmer’s porch & addition on 18 Flint Road Map 411 Lot 88 not to exceed 8 feet from existing house foundation. I. Byrd **seconded**. **All were in favor**.

Variance under Section 2.02B Change and Expansion: to enlarge the house.

I Byrd read the variance criteria under RSA 674:33.

“1. *The variance will not be contrary to the public interest;*” The Board was in agreement the variance would not be contrary to the public interest.

“2. *The spirit of the ordinance is observed;*” The Board was in agreement the spirit of the ordinance would be observed.

“3. *Substantial justice is done;*” The Board was in agreement that substantial justice would be done.

“4. *The values of surrounding properties are not diminished; and*” The Board was in agreement the values of the surrounding properties would not be diminished.

“5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*”

The Board was in agreement the ordinance would result in an unnecessary hardship.

R. Howe **motioned** to grant the variance under Section 2.02B Change and Expansion; to enlarge the existing home by the construction of a farmer’s porch and addition on 18 Flint Road, Map 411 Lot 88. F. Albert **seconded**. **All were in favor**.

Chair Chivers told the applicant they would receive the written NOD in a few days. D. Richards thanked the Board for their time.

Other Business

2011 Municipal Law lectures

Chair Chivers said the Municipal Law Lectures are being held in Derry on Wednesdays on October 12th, 19th, 26th. Copies were made and distributed to the Board.

The next scheduled Zoning Board of Adjustment meeting is September 27, 2011.

J. Szot **motioned** to adjourn at 7:45 pm. R. Howe **seconded**. **All were in favor**.

Respectfully submitted,
Sharon Robichaud
Recording Secretary