

Approved
CANDIA ZONING BOARD OF ADJUSTMENT
MINUTES OF November 28, 2006

Present: William Stevens, Chairman; Judith Szot; Arlene Richter; Ron Howe; Boyd Chivers, Alternate; and Ingrid Byrd, Alternate

Absent: Frank Albert, Vice-Chairman

The Chair opened the meeting at 7:00 p.m. Boyd Chivers was seated for Frank Albert. Ingrid Byrd was seated for Judith Szot. Judith Szot arrived at 7:05 and Ingrid Byrd stepped down.

Minutes

Ron Howe **moved** to approve the minutes of August 22, 2006 as presented (unapproved and revised as recommended by ZBA at the 9/26/06 meeting). Judy Szot **seconded**. **All were in favor.**

Judy Szot **moved** to approve the minutes of September 26, 2006 as amended. Arlene Richter **seconded**. **All were in favor.** The following amendments were made:

- Page 5, under #4, the word “woud” was corrected to “would”.
- Page 6, line 7, change the wording from “again was a situation” to “again that this was the situation”.

7:15 PM – Case #528 – Applicants: Melissa Bourdelais & Michael Eastwood, 460 Patten Hill Road, Candia, NH 03034; Owners: Same; Location: 460 Patten Hill Road, Map 414 Lot 126; For a Special Exception as provided under Section 13.04E for the construction of an In-Law accessory use dwelling unit.

Melissa Bourdelais and Michael Eastwood were present. Ms. Bourdelais provided the Board with a floor plan and pictures. Ms. Bourdelais explained that they have a split-level family home and would like to make the downstairs into an in-law apartment. The downstairs has 1 bedroom, 1 bathroom, and a living room. They would like to add a kitchen to the accessory area, to make it a legal in-law apartment. They currently have 632.29 square feet of living space. The Chair stated that it would need to be 600 square feet. Ms. Bourdelais explained that they did not count the storage area under the staircase, because it is access to piping. This brought the square footage down to 624.88 square feet. Ms. Bourdelais stated that if needed to they would extend the wall in the living room, to meet the Zoning Boards requirement of 600 square feet. The Chair asked if the kitchen would be in the living room area. Ms. Bourdelais replied yes. Judy Szot asked if the common area would be split up into two rooms. Ms. Bourdelais explained that there would be a shared laundry room. Boyd Chivers asked about the access to the apartment. Ms. Bourdelais replied that there are two separate entrances. There is an entrance in the common area and an entrance where the kitchen was going to be. Ron Howe stated that it did not make sense to extend the wall, to cut the square footage back to 600 square feet. He further explained that if it was new construction he would be concerned, but this is an existing structure and extending the wall could pose a possible fire hazard. The board agreed with Ron. The Chair asked if there were any abutters present. There were none present. The board deliberated the case. Judy Szot read from Zoning Ordinance Section 13.04E. The board discussed if they would need a variance. The Chair stated that they meet all the criteria. Jody Szot reads from Zoning

Ordinance Section 13.02. Ron asked if they would need a variance to put the second kitchen in the house. The Chair replied no, because it is an accessory unit. Boyd Chivers added that if they were exceeding the 600 square feet, should they apply for a variance. Judy Szot stated that it was allowed under Special Exception.

Boyd Chivers moved to grant the Special Exception, noting that it is 625 square feet. Judy Szot **seconded. All were in favor.**

Other Business

Scott Komisarek Letter

The Board asked Building Inspector, Bill Hallock about the letter that was sent to Mr. Komisarek. Judy Szot and Ron Howe thought that running a business out of his home, was allowed by right (Judy referred to Section 5.02). Bill explained that any home office usage required a certificate of occupancy (Bill referred to Section 5.03B). Bill informed the board that he had talked to Mr. Komisarek regarding the letter, and Mr. Komisarek has the application for the accessory use home office certificate of occupancy.

The Chair adjourned the meeting at 8:00 p.m.

Respectfully submitted,
Andria Hansen, Recording Secretary