

**APPROVED**  
**CANDIA ZONING BOARD OF ADJUSTMENT**  
**MINUTES OF June 22, 2010**

**Present:** Boyd Chivers, Chairman; Frank Albert Vice-Chair, Judith Szot; Ron Howe; Amanda Soares, Alt

**Absent:** Ingrid Byrd

Chairman Chivers called the meeting to order at 7:00 p.m. Chair Chivers noted that Amanda Soares appointed to sit for Ingrid Byrd.

**Approval of Minutes**

A. Soares **motioned** to accept the minutes of May 25, 2010 as presented. R. Howe **seconded**. **All were in favor**. J. Szot abstained.

**Case #10-579 Applicant: Mr. Allen Wyman, 61 Depot Road, Candia, NH 03034; Owner: Same; Map 408 Lot 05; For a variance under Section XI 6.02: Table of Dimensional Requirements: To permit construction of an egress platform and stairway on east doorway of house within the front setbacks.**

Mr. Allen Wyman was present. Abutters were notified and none were present. Chair Chivers said this case is similar to last month's case. The house is within 50 feet of the front setbacks and applicant wants to put a porch on the front to safely exit/enter the house. He said the applicant does not have much of an alternative. Chair Chivers said the only issue he sees is the plan is not on graph paper. R. Howe confirmed that the applicant had submitted drawings on graph paper. Mr. Allen Wyman said when he made copies the graph did not show through. He said he had two sets of plans. His initial drawing was a 7' deck with stairs to the left in front of the egress window to keep the stairs as far from the road as possible. The second drawing shows a shorter 4' porch with stairs straight out and fits better with the house. He said the house has a 3' overhang.

J. Szot said her only concern was the porch was not deep enough at 4' for safety. A. Wyman said a 36" platform is the minimum per code but that just fits the swing of the door so he made the deck 4'. Chair Chivers suggested if the Board approved up to 5' deck then the final size up to 5' would be left up to the applicant and the Building Inspector to decide. J. Szot said it is an older home and it should be made safe. A. Wyman said the house was built in 1861.

Chair Chivers asked the Board if there were any other issues regarding the application. A. Soares agreed the application was straight forward. The question arose that the 5' deck does not include stairs. Mr. Allen Wyman showed the dimension with the stairs at 9.5 feet. Chair Chivers suggested the deck and stairs not to exceed 11'. R. Howe asked about limiting the width of the deck and Chair Chivers said the width is not an issue in the Zoning Ordinances just the encroachment. R. Howe asked if anything was there before. Mr. Allen Wyman said it was built up dirt and slate and came out about 7', more like a low patio, the house has since been lifted. He showed photos of the house. F. Albert asked if the porch was going to be enclosed or screened in and A. Wyman said no. R. Howe asked if he was going to build a roof over the deck and A. Wyman said the house already has a 3' overhang which provides enough protection as long as you do not have to step back.

Chair Chivers asked if there any more questions and seeing none closed the public hearing to deliberate the case. Hearing no deliberation Chair Chivers asked J. Szot to read into record 13.02 C Variances. *"13.02 C. Variances: The Board of Adjustment shall hear and decide requests for variances from the terms of this Ordinance. No variance may be granted unless ALL of the following criteria are met:*

*1. No diminution in the value of surrounding property would be suffered."*

It was the consensus of the Board there was no diminution in value.

*"2. Granting of the variance would be of benefit to the public interest."*

It was the consensus of the Board granting the variance would be of benefit to the public interest.

*“3. Denial of the variance would result in unnecessary hardship to the owner arising out of special conditions affecting the land and/or buildings that distinguish the property from other similarly restricted property in the area.”*

It was the consensus of the Board there denial of the variance would result in unnecessary hardship.

*“4. Granting the variance would result in substantial justice.”*

It was the consensus of the Board granting the variance would result in substantial justice.

*“5. The use will not be contrary to the spirit of the Ordinance.”*

It was the consensus of the Board the use would not be contrary to the spirit of the ordinance.

J. Szot **motioned** to grant the variance under Section 6.02 to allow construction of a porch and stairs not to exceed 11’ from foundation of house. F. Albert **seconded. All were in favor.**

### **Other Business**

#### ZBA alternate members

Chair Chivers asked to have a notice published in the Hooksett Banner looking for ZBA alternates. There was discussion of contacting someone who was had sent a letter of interest last year. The secretary was asked to look into this letter.

The next scheduled Zoning Board of Adjustment meeting is July 27, 2010.

J. Szot **motioned** to adjourn at 7:19 p.m. A. Soares **seconded. All were in favor.**

Respectfully submitted

Sharon Carrier

Recording Secretary