

APPROVED
CANDIA ZONING BOARD OF ADJUSTMENT
MINUTES OF July 27, 2010

Present: Boyd Chivers, Chairman; Frank Albert, Ron Howe; Ingrid Byrd; Amanda Soares, Alt; Dick Snow Board of Selectmen

Absent: Judith Szot

Chairman Chivers called the meeting to order at 7:00 p.m. Chair Chivers asked Amanda Soares to sit for Judith Szot.

Approval of Minutes

F. Albert **motioned** to accept the minutes of June 22, 2010 as presented. R. Howe **seconded**. **All were in favor**. I Byrd abstained.

Case #10-580 Applicant: Patrick J Keenan Rev. Trust, 243 Depot Road, Candia, NH 03034; Owner: Same; Map 414 Lot 133; For a variance under Section XI 6.02: Table of Dimensional Requirements: To permit construction of a garage within 16' of the side setbacks. Patrick Keenan was present. The case was publicly noticed. Abutters were notified and none were present. Chair Chivers stated Mr. Keenan owns a house on 243 Depot Road and proposes to put a 2 car garage on the south side of the house that encroaches within the side setback. He said the applicant is seeking a variance under 6.02 to allow construction within the side setback and when the garage is finished it will be 16' from the side setback. The ordinance side setback is 25'. Chair Chivers the applicant cannot put the garage on the other side because of the leach field. Mr. Keenan confirmed there is no other place for the garage.

Chair Chairman said the property has a NH Coop easement. Mr. Keenan showed an email from NH Coop giving him permission to encroach 12' into the right of way to build the garage. He said NH Coop came out walked and measured the property with Mr. Keenan showing where the garage could be placed. Mr. Keenan said once the garage is complete the area will become more accessible for NH Coop because right now NH Coop access his property through the neighbors yard. F. Albert had no comments. He noted the garage is further back then what the applicant may have originally wanted. R. Howe asked how close the neighbor was on the side setback that is being encroached. Mr. Keenan said the neighbor's house is on the other side of his lot away from his. A. Soares commented on the complete and detailed drawings on the graph paper. She had no concerns. The Board was in agreement that there is no other alternative location on the property for the garage I. Byrd asked when they were going to be building because a variance is only good for year and the applicant replied they want to start next week.

Chair Chivers asked if there were any more questions and seeing none closed the public hearing to deliberate the case. Hearing no deliberation, Chair Chivers asked A. Soares 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 a 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.

I. Byrd **motioned** to grant the variance under Section 6.02 to allow construction of the two car garage within 16’ of side setbacks. F. Albert **seconded. All were in favor.**

Other Business

New Building Inspector

A. Soares introduced the new Building Inspector John Ciardi to the Zoning Board of Adjustment members. Chair Chivers welcomed John Ciardi to the Town of Candia and told him he has the support of the Zoning Board of Adjustment. J. Ciardi thanked the Board and the Board thanked J. Ciardi.

ZBA Alternate Members.

Chair Chivers asked if there were any inquires to the ZBA alternative position. The ZBA alternate public notice is being published in the Hooksett Banner July 29, 2010. The notice was also posted on the website, Post Office and Town Hall. There was no interest yet for an alternate.

The next scheduled Zoning Board of Adjustment meeting is August 24, 2010.

I. Byrd **motioned** to adjourn at 7:30 p.m. A. Soares **seconded. All were in favor.**

Respectfully submitted
Sharon Robichaud
Recording Secretary