TOWN OF TILTON
ZONING BOARD OF ADJUSTMENT
AUGUST 16, 2005

MEMBERS PRESENT:

Chairman Foster Peverly  Normand Boudreau, Vice-Chair
Calvin Brown  Sandy Plessner

OTHERS PRESENT:

Jason St Onge  Joe Plessner

AGENDA:

7:00 PM  Call to order.
Review Minutes of July 19, 2005
Correspondence and any other business

7:05 PM  Case #ZBA05-08 for an area variance for Jason St. Onge. Applicant is
seeking a Variance to the Table of Dimensional Values: Setbacks. The
proposal is for an addition, which will encroach into the side setbacks.
Property is located at 19 Dublin Drive, Tilton, NH 03276. Tax Map U-3
Lot 53 in the Medium Density Residential District.

MEETING:

7:00 PM  Call to order. Chairman Peverly asked if Board Members had read the
minutes of July 19th. Calvin Brown made a motion to approve the minutes as written.
Norm Boudreau seconded the motion. No further discussion. All voted in favor.

CORRESPONDENCE:

1. Post card sponsored by the Office of Energy and Planning and the NH DOT
announcing the 2005 Fall Planning and Zoning Conference to be held
Saturday, November 5th at the Mountain Club on Loon in Lincoln, NH.

Before the hearing for Mr. St. Onge began, Chairman Peverly explained to Mr. St.
Onge that the Board was short one member for this hearing and it was Mr. St. Onge’s
choice to either abide by what the four members present would decide or wait until a full
Board was present to have his case heard. Mr. St. Onge chose to have his case heard.

7:05 PM  Case #ZBA05-08 for a Use Variance for Jason St. Onge. Hearing no
disqualifications from the Board, Chairman Peverly asked Mr. St. Onge to present his
case.
Mr. St. Onge explained he wanted to add an addition on the side of his home that would be finished to match the existing home and would be used as a three season porch. Mr. St. Onge added the addition would be on a slab. Mr. St. Onge continued by saying all of the lots in the area were small by today’s zoning standards and several of his neighbors had gotten approval for building in the setback area for additions as the homes were originally camps. Mr. St. Onge stated his lot was angled in relationship to the home so at one end of the proposed addition, he would be 21 feet from the property line but at the other end of the addition, he would be 10 feet from the property line.

There was a discussion on the addition as Mr. St. Onge was referring to it as a three season porch but he would be heating the area. The Board wandered whether or not the case had been noticed properly as the area could be become more than a three season porch with heat available. After a brief discussion concerning the notices and how they had been written, the Board was satisfied that the case had not been misrepresented to the abutters or to the public.

Mr. St. Onge’s responses to the criteria for a variance included:

1. The proposed use would not diminish surrounding property values because:
   Response: I am adding a three season porch that looks like my house.

2. Granting the variance would be of benefit to the public interest because:
   Response: It is an improvement to my home which makes my home worth more and helps to improve the neighborhood.

3. Special conditions exist such that literal enforcement of the ordinance may result in unnecessary hardship.
   a. An area variance is needed to enable the applicant’s proposed use of the property given the special conditions of the property.
      Response: This is the side of my house that faces the lake. The lots are smaller than what is allowed today.

   b. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance
      Response: Yes, this is the lake view side of my home. I would like some view of the lake while sitting on the proposed porch.

4. Granting the variance would do substantial justice because:
   Response: It doesn’t affect my neighbor at all as this side of my home is facing the back of my neighbors home. After the porch is built, there is still 25 to 30 feet between the porch and the back of my neighbors house.
5. The use or proposed use is not contrary to the spirit of the ordinance because:

Response: Others in the neighborhood have had to work within the confines of a very small piece of land. We are all on quarter acre lots so anything we do is closer to the property lines.

7:35 PM Open to public comment.

When asked, Joe Plessner, building inspector, told the Board several people, over the years he had worked for the Town, had gotten variance approvals for the purpose of enlarging their structures or adding porches.

7:40 PM Close to public comment.

Hearing no further comments or questions, Chairman Peverly asked the Board to fill out the finding of facts sheets. When completed, the members all discussed their responses to the criteria. Chairman Peverly stated that based on the responses, the variance could be approved and asked for a motion. (Copy of finding of facts sheets attached to the office copy of the minutes.)

Norm Boudreau made a motion to grant the area variance as applied for. Sandy Plessner seconded the motion. No further discussion. All voted in favor of granting the area variance.

8:30 PM Meeting adjourned.

Minutes written by,
Sandy Plessner