ZONING BOARD OF ADJUSTMENT
Meeting Minutes – October 20, 2009

(Minutes approved 1-19-10)

Members Present: Joe Plessner – Chair, Mike Dolpies and Center Sanders- Alt


Agenda:
7:00 p.m. Call to Order
Review Minutes of May 19, 2009, July 21, 2009
Correspondence
Any other business

7:05 p.m. Case # 09-11 Area Variance Dennis Dawalga. Applicant is seeking an area variance to Article 7, Table of Dimensional Values – Setbacks of the zoning ordinance to permit the building of a 16’ x 28’ two story garage in the side setback. Property is located at 61 Ashuelot Drive, Tilton, NH 03276. Tax Map U3 Lot 42 in the Medium Density Residential District.

Meeting: Called to order at 7:00 p.m.

Review of Minutes:

The Chair notes there are missing board members this evening. The minutes will have to be reviewed at the next scheduled meeting.

7:05 p.m. Case # 09-11 Area Variance Dennis Dawalga. Applicant is seeking an area variance to Article 7, Table of Dimensional Values – Setbacks of the zoning ordinance to permit the building of a 16’ x 28’ two story garage in the side setback. Property is located at 61 Ashuelot Drive, Tilton, NH 03276. Tax Map U3 Lot 42 in the Medium Density Residential District.

The Chair explained to Mr. Dawalga that there are only 3 board members present tonight. If we move forward with this hearing it will require all three to vote in favor of the variance in order to win approval. Should you not get three in favor votes you can not reapply for this variance? The decision to continue is up to you.

Mr. Dawalga agrees to proceed with the (3) board members that are present this evening.

Mr. Dawalga explained the presently he has a shed and a 12 x 24’ tent canopy that are full. I have the tent and sheds sold so I can replace them with a single garage. The property is currently an eye sore. I want to clean up the area and
get rid of the junk and have the one garage with storage space on the upper level. There is also a 6’ x 4’ box that leans against the house that was built for temporary shelter to for removal of boots before entering the house but that is also going to be removed.

The Chairman notes as this is a variance we will need to go over the variance criteria:

1.) The proposed use would not diminish surrounding property values because: 
   Currently have old shed and canvas tent to store my things in.

In the Chair’s opinion a new structure would increase property values.

Mr. Sanders and Mr. Dolpies agree with this statement.

2) Granting the variance would be of benefit to the public interest: It would increase property values and remove an eye sore.

The Chair comments that what one sees there does not enhance the area and would be a valid reason to seek this variance.

Mr. Dolpies agrees it would enhance area.

Mr. Sanders agrees but if these portable building weren’t there it would look different. If they weren’t there now and you were proposing to put up this structure then some people might argue it might degrade property values in the area.

3) Granting the variance would due substantial justice because: It would increase my property value as well as my taxes to the town.

The Chair believes that substantial justice would be that any home has a right to have a garage and this neighborhood has a mix of garages.

Mr. Dolpies feels it is an improvement over what he currently has and services his need for storage. It would benefit him to have it.

Mr. Sanders thinks the unnecessary hardship is difficult to prove. The hardship might be that the lot could support the garage with the setbacks but it would probably block the front door. This is the hardship as this is the only place for the garage to go.

The Chair explains that our ordinance in the medium residential district does permit accessory building to occupy up to 10% of the side or rear setback. If Mr. Dawalga put this building right up against the house he would not be here for a variance. He would be occupying less than 10% of his side and rear setback
which would only require a building permit. By putting the 4 feet between the
garage and the house would put into the setback by 80 sq ft which would not be
permitted by the ordinance.

7:25 p.m. Discussion opened to the public:

The Ziners at 56 Ashuelot Drive directly across street from Mr. Dawalga. My first
question: is this a garage or shed.

The Chair notes that whether it is a garage or shed it wouldn’t make any
difference as far as the ordinance goes.

What color is the garage going to be? Mr. Dawalga replied that it will match my
house. It will be vinyl.

Will it be flush with the house? Mr. Dawalga replied it would be even with the
house with a walk way between the house and garage.

The Ziners asked what he would be putting on the other side of the garage.

If we approve this variance we can make that a condition of a variance that no
additional structures would be placed on the property.

Marie Bonnett abutter to right of Mr. Dawalga. I have allowed Mr. Dawalga to
use the piece of property the canvas shed is on. Since he is requesting to build a
shed I am requesting this piece of property back and that he put a 6 ft solid fence
on the property line.

The Chair asked if the two parties agree on where the property line is.

Ms. Bonnett and Mr. Dawalga stated they are in agreement as to where the
property line is.

Ms. Bonnett - I am in agreement with him putting in a shed to get all the items
enclosed and put up fence with the building 8 feet away from the fence.

The Chair informs the abutters that town of Tilton does not have the type of
ordinance that can dictate what a person can have or not have on their property.

The Ziner asked how Mr. Dawalga will get to the second floor of the garage.

Mr. Dawalga replied there is an inside stairway to second floor.

Mr. Dawalga is purchasing this structure from Home Depot and it will be
delivered in a kit and then he will have someone build it.
The Chair reviewed the conditions:
1) new structure will be vinyl sided in color to match the house
2) no additional accessory building
3) removal of all existing structures
4) 6 ft solid fence to be installed from NW corner to a minimum of 3 ft in front of new structure.

7:55 p.m. Discussion closed to the Public and was reopened to the board.

The Chair asked the board members if they had any additional questions or input.

Mr. Dolpies feels that if the abutters get what they are looking and Mr. Dawalga is in agreement I don’t see a problem with approving this variance.

Mr. Sanders concurs with the board.

Mr. Dolpies makes a motion to approve the variance as applied for with the following conditions:

1) vinyl siding to be applied to the new structure to match the house
2) no additional structures added to the lot
3) all existing structures will be removed with the exception of the house
4) 6 foot solid fence extending from the North West corner to minimum of 3 feet in front of the new structure

Motion seconded by Mr. Sanders.

Motion has been moved and seconded, all in favor. Motion passed by 3 affirmative votes by the 3 board members.

Correspondence:
- DES – Draft permit for Wood-fired Boiler – SAU #59 WRSD – 433 W Main St., Tilton, NH Facility Id# 3300190219, Application #09-0213
- WRSD letter to the board – Bio mass plant includes a 65ft chimney equipped with multi cyclone scrubbers for project review.
- LGC – 68th Annual Conference – Nov 18-20 – Radisson Hotel Manchester
- Shoreland Impact Permit 2009-01900 approval for Albert Fine, 32 Lake Rd, Tilton (U2 Lot 38)
- Memo from Tilton Board of Selectmen – Subject Purchasing Policy & Policy Pertaining to the Approval for Contract/Agreements dtd 7-23-09
- Memo from Tilton Board of Selectmen – Subject Policy regarding request for Public Works Dept Personnel dtd 7-23-09

Motion made by Mr. Sanders to adjourn the meeting, seconded by Mr. Plessner.
Vote taken, motion passed to close the meeting.

Meeting adjourned at 8:25 p.m.

Minutes prepared by Augusta Marsh, Land Use Assistant

(These minutes are subject to the review and approval by the Zoning Board of Adjustment at the next scheduled meeting.)