

## **ZBA Minutes of Site Walk - Continuation of Case 1152 from 11/24/2020**

Saturday 11/28/2020

Continuation of hearing from November 24, 2020

Marcia motioned to reopen the continued hearing George seconded **Vote: 5-0-0**

George read the Case information for the record. Case# 1152: Del Friedman, 42 Central Ave, Newtonville, MA 02460-1709 and C. Stephanie Cox Suarez Trust of 2005, for property located at 188 Red Gate Lane, Rindge, NH 03461-5786, Tax Map 34, Lot 3 in the Residential District, for a Variance from Article IV Section B.1 of the Zoning Ordinance to permit construction of a garage on a lot with frontage of one hundred and fifty (150) feet. A variance from Article IV Section B.2 of the Zoning Ordinance to permit construction of a garage five (5) feet from the edge of a right of way. A variance from Article IV Section B.3 of the Zoning Ordinance to permit construction of a garage on a lot of .79 acre. A variance from Article XIII Section E of the Zoning Ordinance to permit construction of a garage (accessory building) on a lot already containing a single family dwelling.

George asked Mr. Friedman to provide the overview. Mr. Friedman explained that he was attempting to build a garage to keep the car out of the winter weather and that it was proving to be a bit difficult, due to the terrain of the lot, to meet the guidelines as stated in the Zoning Regulations. Members of the board walked the proposed footprint and made alternative suggestions given the proposed close proximity to the road, steepness of grade from the road, trees that would have to be removed due to location and/or being in bad health and the limited amount of useable space on the lot. The possibility of moving the site for the garage five feet closer to the home would take it a few feet farther from the road.

George made a motion to move to deliberative session, Marcia seconded, **Vote: 5-0-0**. The board moved into deliberation. George suggested pulling the garage back an additional 5ft from the road. Phil suggested going from 5ft to a 12 feet.

After an onsite visit the board approved all 4 applications with a stipulation on the 5<sup>th</sup> variance application with the garage to be located a minimum of 12ft away from the right of way.

The board found that:

1. Granting the variance would not be contrary to the public interest because it meets the general objective of the zoning ordinance and the lot size is a small .72 acres and is grandfathered. **Motion:** made by Phil second by George **Vote** 5-0-0

2. Granting the variance would do substantial justice because there is no significant gain to the public by denying it. **Motion:** made by Phil, seconded by George **Vote:** 5-0-0

3. The variance would be consistent with the spirit and intent of the Rindge Zoning Ordinance because by granting the variance is consistent with the intent of the zoning ordinance because it improves and promotes safety and doesn't interfere with health or welfare. **Motion** made by Marcia, Second by George. **Vote:** 5-0-0

4. Granting the variance would not diminish surrounding property values because on the site visit there were neighbors in support of the application. **Motion:** made by Marcia, second by Bill. **Vote:** 5-0-0

5. B The proposed variance would be a reasonable one because it is a small grandfathered lot, it is the best use and reasonable place to put the garage. **Motion:** by Bill, second by George. **Vote:** 5-0-0

**Motion:** by Marcia to grant the variance and to approve with the stipulation of a minimum of a 12 ft. setback from the right of way. Second by Carmichael **Vote:** 5-0-0

**The variance is approved with the stipulation.**

Approval of minutes Bill Thomas suggested using last names to reference members on future minutes. Marcia Motioned to approve minutes George seconded. **Vote:** 5-0-0 The minutes of October 27 and October 31 are approved.

Meeting adjourned at 10:40am