

**Town of Northwood
Zoning Board of Adjustment Meeting
January 23, 2017**

Chairman Pender calls the meeting to order at 6:30 p.m.

PRESENT: Chairman Roy Pender, Tom Johnson, Matt Fowler, and Bruce Farr

TOWN STAFF PRESENT: Board Administrator Linda Smith, Land Use Secretary Susan Austin, and Building Inspector/Code Enforcement Officer Dale Sylvia.

VOTING DESIGNATION: Chairman Roy Pender, Tom Johnson, Matt Fowler, Bruce Farr

MINUTES:

December 19, 2016

Mr. Johnson makes a motion, second by Mr. Fowler, to approve the minutes of December 19, 2016 as written. Motion passes, 3/0/1. Mr. Farr abstains.

Chairman Pender states that there are only four members present. He asks the applicants if that is okay with them to continue with a short board. They all agree to continue.

Continued case 16-15- Judith and Norman Royce, 55 Baker Avenue. Map 113 Lot 14

Judith and Norman Royce are present, along with Scott Frankiewicz from Brown Engineering.

A variance to Art. IV Section B(2)(b) to allow construction of a two- bedroom single family home on property of .65 acres where two acres are required.

Chairman Pender asks the applicants why the lot size could not be made any bigger. Ms. Royce states that the neighbors all have undersized lots, and the lot line adjustment that was done previously added .65 acres to the existing lot, making it much larger than all of the other lots. Ms. Royce presents a letter from the Northwood Lake Association that expresses the associations approval of the project.

Variance Criteria

- 1. Granting the variance would not be contrary to the public interest.**
Owners merged two lots, creating a lot size larger than the most lots in the neighboring area. The property maintains a natural woodland buffer between abutters.
- 2. The use is not contrary to the spirit of ordinance because:**
The proposed home would be compliant with building code and ordinances. The proposed structure to be built is proportional and favorable in size.
- 3. Granting the variance would do substantial justice because:**
It would increase the property value of the surrounding properties and allow owners to improve utilization of property.
- 4. The proposed use would not diminish surrounding property values**

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It would increase the value of neighboring properties, because this would be converted to year-round as the rest of the properties surrounding it.

5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*

Upgrade existing structure to be used as a year-round permanent home rather than renovating would be a reasonable way to achieve a handicap accessible home.

Mr. Fowler makes a motion to approve the variance to Art. IV Section B(2)(b), Mr. Johnson seconds the motion. Motion carries 4/0.

A variance to Art. IV Section B(b)(2) road frontage-length and type of frontage as required in the zoning ordinance.

Variance Criteria

1. *Granting the variance would not be contrary to the public interest.*

An association maintains the road with an annual assessment to the property owners. There are 39 homes on Baker Ave. The road in its current state can support the proposed new home without upgrading it.

2. *The use is not contrary to the spirit of ordinance.*

The property is on a road with many year-round residences. It is well traveled and accessible to emergency vehicles. There has been a house on this property for over 50 years.

3. *Granting the variance would do substantial justice.*

The addition of another year-round residence would increase the property value of the surrounding homes.

4. *The proposed use would not diminish surrounding property values*

The property is one of the larger lots. Building a year-round residence would increase the property values by eliminating a seasonal home and replacing it with a year-round home.

5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship*

This lot has had a house on it for 50 years. Upgrading would only increase property values.

Mr. Johnson makes a motion to approve the variance to Art. IV Section B(b)(2). Mr. Fowler seconds the motion. Motion carries 4/0.

A variance to Art. IV Section B(4)(b) to allow construction of a septic system to encroach in the building setback.

Mr. Frankiewitz states that there was a mistake in the original plans submitted and the existing septic system on site is current and does not encroach the setbacks. Mr.

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Frankiewtcz points this out on the updated plans. The applicants would like to withdraw the application for this variance.

Mr. Farr makes a motion to withdraw the application for A variance to Art. IV Section B(4)(b). Mr. Fowler seconds the motion. Motion carries 4/0.

A variance to Art. IV Section B(4)(b) to allow construction of a deck to encroach in the building setback.

Variance Criteria

1. *Granting the variance would not be contrary to the public interest.*

It would improve an existing non-conformity. It would not pose an obstruction to abutters. By improving the non-conformity, the proposed structure would be further from the shoreline.

2. *The use is not contrary to the spirit of ordinance*

The purpose of the setbacks is important for the proximity of the structure to a road, public accessibility and safety concerns. Granting this variance would not impose on the purpose, or negatively affect the abutters.

3. *Granting the variance would do substantial justice*

Currently there is a non-conforming structure in this space. This proposal creates a more conforming structure. A retaining wall and 28 square feet of patio pavers would be eliminated. The current setback of 11.35 would improve to 12.85 feet.

4. *The proposed use would not diminish surrounding property values*

The improvements would be appealing and add to the property values.

5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship*

The proposed use is a reasonable one because it will improve an existing setback non-conformity.

Mr. Fowler makes a motion to grant the variance to Art. IV section B(4)(b) with the condition that the deck remains open and no stairs to the ground are within the setback. Mr. Farr seconds the motion. Motion carries 4/0.

A special exception: Art. VII Section B(3) to allow for an upward expansion within the building setback for a portion of proposed residence, which is currently a deck.

Mrs. Royce stated that the facts regarding the application as they relate to this ordinance are that this is a request to enclose and expand on an existing deck of which a portion encroaches into the setback. Currently approximately 8 square feet of the 12X18 deck is in the 20-foot setback. The distance from the existing deck to the

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lot line is 14.98 feet. The proposed structure would increase the distance to 17.24 feet. This would make it more conforming. Three square feet would be used for the foundation; the remaining five square feet would remain as an open deck. The height of the enclosed walls would be basement level plus one floor.

Granting the special exception would not have any adverse impact on abutters, including but not limited to blocking views or sunlight. It will not exceed the maximum height ordinance, and it will not increase any non-conforming aspect of the structure or lot. Rather, it will improve it by over two feet distance to lot line.

**Mr. Farr makes a motion to grant the Special Exception to Art VII Section (3).
Mr. Fowler seconds the motion. Motion carries 4/0.**

Mr. Sylvia leaves the meeting at 7:30

Case #17:01: Carl & Mary Shaw, 37 Caldwell Lane. Map 103, Lot 19

A variance to Art. IV Section B(1)(b)(2) for length and type of road frontage that does not meet the zoning ordinance

Variance Criteria

1. *Granting the variance would not be contrary to the public interest.*

This is a private road that has been used since 1941. The use of the home will not be changing as it will stay a seasonal camp.

2. *The use is not contrary to the spirit of ordinance.*

There are not any bedrooms being added, just a bathroom area.

3. *Granting the variance would do substantial justice.*

There is no existing shower on the property.

4. *The proposed use would not diminish surrounding property values*

This is only a small addition of a bathroom area.

5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*

The proposed use is a reasonable one because: There is no existing shower in this bathroom.

Mr. Farr makes a motion to grant the variance to Art. IV Section B(1)(b)(2) with the conditions that Mr. Caldwell obtain a shore land permit from DES and that the residence remains seasonal. Mr. Johnson seconds the motion. Motion carries 4/0.

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A variance to Art. IV Section A(2) Table IV-1 and IVB(2) lot size; property has .31 acres, 2 acres are required.

Variance Criteria

6. *Granting the variance would not be contrary to the public interest.*

This is a private road that has been used since 1941. The use of the home will not be changing as it will stay a seasonal camp.

7. *The use is not contrary to the spirit of ordinance.*

There are not any bedrooms being added, just a bathroom area.

8. *Granting the variance would do substantial justice.*

There is no existing shower on the property.

9. *The proposed use would not diminish surrounding property values*

This is only a small addition of a bathroom area.

10. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*

The proposed use is a reasonable one because: There is no existing shower in this bathroom.

Mr. Farr makes a motion to grant the variance to Art. IV Section B(1)(b)(2) with the conditions that Mr. Caldwell obtain a shore land permit from DES and that the residence remains seasonal. Mr. Johnson seconds the motion. Motion carries 4/0.

Internal Business: None

Mr. Farr makes a motion to adjourn at 7:51 PM. Mr. Johnson seconds.

Respectfully submitted,

**Susan Austin
Land Use Secretary**