

SOMERSWORTH ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
AUGUST 3, 2016

MEMBERS PRESENT: Matt Keiser, Vice Chair, Roland Dumont and Don Routhier.

MEMBERS ABSENT: Paul Maskwa, Chair.

STAFF PRESENT: Shanna Saunders, Director of Planning and Community Development and Tracy Gora, Planning Secretary.

The meeting was called to order at 7:01 pm.

Keiser stated that due to an error with posting the public hearings, the only item to be discussed tonight is item A. Stated that items B and C cannot be heard and a meeting for those will be posted at a later date.

Keiser stated that there are only three Board members present tonight and although it is a quorum, three votes are needed to approve the rehearing request. Stated that the applicant can move forward tonight or may be continued until the September meeting.

Barrington stated that they would like to move forward tonight.

1) APPROVAL OF THE MINUTES OF THE MEETING OF JULY 6, 2016.

Motion: Routhier moved to approve the minutes of the meeting of July 6, 2016.

Seconded by Dumont. Motion carried with a 3-0 vote.

2) OLD BUSINESS

A) Any old business that may come before the Board.

None.

3) NEW BUSINESS

A) Imants and Grace Millers are seeking a variance from Table 4.A.1 of the Zoning Ordinance for a multi-unit dwelling in a single family district on property located at 86 South Street, in the Residential Single Family (R1) District, Assessor's Map 15, Lot 23, ZBA #16-2016.

Saunders stated that this is not a public hearing and the Board is just to look at the request that was submitted. Stated that the Board is looking to see if there is new information presented or if the Board erred in their decision. Stated that they are not looking at the merits of the case tonight but if the Board should rehear this case. Stated that if they grant the request then the rehearing would be at the September meeting.

Routhier stated that he wasn't here for the original hearing but that he did review the application and the rehearing request. Stated that he feels that they are talking about submitted new evidence, which allows them to be reheard. Stated that they have evidence from the realtor Mike Hill and he has an expert opinion. Stated that he thinks this meets the standard for a rehearing. Stated that the property owner has due process

rights and the Board should afford this opportunity. Stated that he is in favor of granting the rehearing.

Dumont stated that if the new information deals only with finances then that is where the hardship comes into play. Asked if they can consider the rehearing because of finances. Stated that he doesn't think they are supposed to and that he would like clarification. Stated that he felt that the original request didn't meet criteria three and five.

Saunders stated that they cannot look solely at financial reasons for meeting the criteria unless the financial reasons have to deal with the unique characteristics of the property.

Keiser stated that the realtor's information was available at the original hearing and wasn't presented. Stated that they originally said that a single family home was not feasible due to the demolition costs. Stated that he doesn't see this as new evidence just a different variation of the same evidence. Stated that the property being financially tough is not justification for a variance. Stated that it was mentioned that the house was burned and could become abandoned but if that happens it is not because of zoning reasons. Stated that the house being burned is not a zoning hardship. Stated that the property can continue to be used as a single family and the denial of the variance did not take that away. Stated that he doesn't feel there is new evidence or that the Board erred in their decision.

Dumont stated that this lacks the votes needed to grant a rehearing. Stated that there is no new evidence and that the Board was right the first time. Stated that he doesn't know it would do it harm to rehear the case. Stated that he is on the fence.

Keiser stated they shouldn't "just grant the rehearing request" because it can devalue the original vote. Stated that he will not vote to grant the rehearing based on what he has said. Stated that a rehearing shouldn't be automatic.

Routhier stated that he wasn't here last time but that he is looking at the law and the rehearing request. Stated that it seems like there is new evidence and that the Board can't take due process of the law away from the property owner. Stated that they have a right for this and that they should be given the opportunity.

Motion: Routhier moved that the request of Imants and Grace Millers for a rehearing of the Board's decision to deny a variance from Table 4.A.1 of the Zoning Ordinance for a multi-unit dwelling in a single family district be **GRANTED** for the September meeting.

Seconded by Dumont. Motion failed with a 2-1 vote with Keiser opposed.

Motion: Dumont moved that the request of Imants and Grace Millers for a rehearing of the Board's decision to deny a variance from Table 4.A.1 of the Zoning Ordinance for a multi-unit dwelling in a single family district be **DENIED**.

Seconded by Keiser. Motion failed with a 2-1 vote with Routhier opposed.

B) MRH Meters, LLC is seeking a variance from Section 20.D of the Zoning Ordinance regarding allowable signage for property located at 130 Main Street, in the Millyard (MY) District, Assessor's Map 10, Lot 196, ZBA #18-2016.

This item not discussed, see above.

- C) The Tin Shed, LLC is seeking a variance from Table 4.A.1 of the Zoning Ordinance for a dwelling unit and from Table 4.A.3 of the Zoning Ordinance for the parking of recreational vehicles on property located at Willand Drive and Lilac Lane, in the Commercial Industrial (CI) District, Assessor's Map 43, Lot 1L, ZBA #19-2016.

This item not discussed, see above.

- D) Any other new business that may come before the Board.

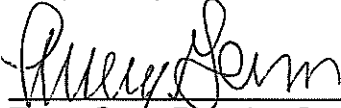
None.

Motion: Dumont moved to adjourn the meeting.

Seconded by Routhier. Motion carried with a 3-0 vote.

Meeting adjourned at 7:15 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Zoning Board of Adjustment