

Brentwood Board of Adjustment Minutes June 6, 2022

Members Present: Chairman Doug Cowie, Vice Chair Ken Christiansen, Frank Albert, Regan Elliot, Kathy St. Hilaire (alternate)

Cowie opened the meeting at 7:00 pm, and explained the procedures to those present.

Motion made by Christiansen, 2nd by Elliot to give St. Hilaire voting rights: all were in favor.

Public Hearing: Variance Request: Applicant/Owner: David LaPointe. Applicant requests a variance from Article III, Section 300.002.006.006 of the zoning ordinance to allow a 2-car attached garage in the residential/agricultural zone with the multi-family/prof. office overlay district within 65' of the centerline of the road where 75' is required. Property is located at 34 Shannon Way, Brentwood, NH 03833, referenced by tax map 201.028.000

Applicant David Lapointe, Joyce Lapointe and contractor Wayne Copp were present.

Lapointe went through the 5 criteria they have provided to support granting the variance.

1. *Granting the variance would not be contrary to the public interest:* Lapointe does not believe there are any issues that would constitute public interest, asks for explanation. Cowie explains it is an opportunity for abutters to express concern. No abutters present.
2. *If the variance were granted, the spirit of the ordinance would be observed because:* LaPointe believes the ordinance is there so nothing interferes with the town and abutters or effects them in some way. Cowie adds continuity in housing area and leaves room for effective snow removal. St. Hilaire explains the variance should not hurt what the ordinance is there for.
3. *Granting the variance would do substantial justice because:* Requesting attached garage because of placement of house and desire for usable finished room.
4. *If the variance were granted, the values of the surrounding properties would not be diminished:* LaPointe explains this would increase their home value, which would likely increase value of surrounding properties, or at least not diminish.
5. *Unnecessary Hardship: A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:*
 - i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:* There are no conditions in the requested project that would negatively affect the general public.
And
 - ii. *The proposed use is a reasonable one because:* LaPointe states they have been residents for 29 years, never had a garage, feels it will help going forward especially in the winter months. Not a lot of room otherwise for a garage.

Cowie notes the house is non-conforming to start with, one corner of the house is approximately 1' into the setback. Also notes that the variance goes with the property, which would allow someone to add on to requested garage and allow the property to become more and more non-conforming.

Copp requests that the variance include conditions, for example 10' into setback.

Proposed garage is 1' back from the house, anymore would not be aesthetically pleasing.

Chimney placement would not allow for attached garage to be compliant.

St. Hilaire has seen this done with conditions.

Members agree that applicant has met all 5 criteria.

Christiansen motions to approve the variance with conditions, no more than 10' encroachment into front yard setback. St. Hilaire 2nds, all in favor.

Board Business

Motion made by Christiansen, 2nd by Elliot to approve the minutes of May 12, 2022: the motion carried.

Motion made by Albert, 2nd by Christiansen to approve the minutes of April 25, 2022: the motion carried.

Motion made by St. Hilaire, 2nd by Albert to adjourn at 7:35: all were in favor.

Respectfully Submitted,

Jillian Benedix
Administrative Assistant