**GILFORD ZONING BOARD OF ADJUSTMENT**

**MINUTES - DRAFT**

**November 29, 2022**

**CONFERENCE ROOM A**

**7:00 PM**

The Gilford Zoning Board of Adjustment met on Tuesday, November 29, 2022, at 7:00 PM. The public, applicants, and the board members were present in person.

William Knightly chaired the meeting and welcomed everyone. He led the Pledge of Allegiance.

Present were Chairman Bill Knightly; Vice-Chairman Larry Routhier; Members Adrianna Antonopoulos, and Scott Davis; and Alternate Members Kevin Hayes and Richard Grenier.

Member Absent: Andrew Howe

Also present were Sandra Hart, Technical Assistant; and George Lane, Building Inspector.

B. Knightly appointed K. Hayes to stand in for A. Howe.

# Applications

## Robert Luntz / Application #2022000326

Applicant is seeking (1) a Variance from Article 5, Section 5.1.3(a) to allow construction of a brise soleil (louvers projecting horizontally from the house to overhang the driveway) to have a front setback of 6 feet 10 inches where the standard minimum front setback required is 35 feet and where the New Hampshire Housing Appeals Board allowed a minimum front setback of 12 feet; and (2) a Variance from Article 7, Section 7.1.1.2, to allow parking within 15 feet of the front property line where a minimum setback of 15 feet is required. The property is located at 98 Belknap Point Road on Tax Map & Lot #242-215.000 in the Single Family Residential (SFR) Zone and the Island and Shore Frontage District. *Tabled from the October 25, 2022 meeting*.

L. Routhier moved to take Application #2022000326 off the table. Second by S. Davis. The motion passed unanimously.

L. Routhier moved to table Application #2022000326 to the January 24, 2023 meeting of the Gilford Zoning Board of Adjustment. Second by S. Davis. The motion passed unanimously.

## McCarthy D’Alessandro Family Trust, Timothy McCarthy and Chris D’Alessandro, TTEES / Application #2022000711

Applicant is seeking (1) a Variance from Article 5, Section 5.1.4 Side Setback Area, Table 2 Dimensional Regulations; and (2) a Variance from Article 9, Section 9.3.3(a) to allow a 7½’ x 16’ 2-story addition (360 sq. ft.) to be added within the side setback to an existing non-conforming dwelling. The property is located at 90 Scenic Drive on Tax Map & Lot #251-026.000 in the Single Family Residential (SFR) Zone and the Island and Shore Frontage District.

Tim McCarthy was present to speak for the application. The applicant moved to Gilford a couple of years ago and wishes to expand the kitchen. The building permit application was denied and he is requesting a variance because of the setback. T. McCarthy showed photos of the wall that will be moved out from the original structure. The roof line will look the same as the current roof line so it will not be any higher. The new roof will be pitched east and west creating valleys from the current roof that runs north and south. The proposed addition is seven feet and six inches by sixteen feet. S. Davis asked for clarification about the placement of the addition and the applicant referred to the photos to show the specific placement.

T. McCarthy said the setback being requested has already been approved for the current house and would only add value to the home and increase home values around it, which would increase revenue for the town of Gilford in the form of increased property taxes. The spirit of the ordinance is observed because the precedence has been established with a variance allowing the current home to be built with the same setback. This variance being requested follows the spirit of the ordinance by not infringing deeper into the setback than has already been approved and established. Substantial justice is done because by approving this request no additional encroachment beyond the current house line is being requested. This addition does not infringe upon any neighbors’ views, nor will there be any windows on the side that could violate the neighbor’s privacy in any way. The impact of the addition would cause no hardship on any neighbors, allowing justice to be done. The values of surrounding properties will not be diminished because the project will add value to the property because it will allow us to update a larger kitchen and master bathroom while increasing the basement storage space, all of which will drive increased property value, which in turn, adds value to the surrounding homes, with no negative impact on any other property. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because due to the width of the property at seventy feet it makes it impossible to build almost any usable structure that does not have an approved variance. No fair and substantial relationship exists between the general purposes of the ordinance provision and the specific application of that provision to the property.

K. Hayes asked if there was a variance granted when the house was built and T. McCarthy explained that the house was built in 2008. The applicant does not know if there was a variance granted when the home was built. The house is one hundred and ten feet from the water. G. Lane noted that there could have been a non-conforming structure there before and if there was a time frame to replace it, then it could be that there was a variance. T. McCarthy noted he had approval from DES. The structure is an existing nonconforming structure.

K. Hayes moved to approve Application #2022000711, McCarthy D’Alessandro Family Trust, Timothy McCarthy and Chris D’Alessandro, TTEES, as submitted, as it is not contrary to the public interest; the spirit of the ordinance is served; substantial justice is done because there is no additional encroachment; value would be added to the property as well as the surrounding properties; and literal enforcement would result in an unnecessary hardship because the variance will allow the owner to expand and renovate his kitchen and bath, while keeping within the existing setback lines. Second by L. Routhier. There was a roll call vote:

K. Hayes – Yes

S. Davis – Yes

B. Knightly – Yes

L. Routhier – Yes

A. Antonopoulos – Yes

The motion passed by unanimous vote.

# Other Business

S. Hart presented the meeting calendar for 2023. There was a brief discussion about the upcoming meeting planned for December 27, 2022 and the consensus was that if there was a new application that there would be a meeting, but otherwise, the next meeting would be held on January 24, 2023.

# Minutes: September 27, 2022 and October 25, 2022

K. Hayes moved to approve the minutes of September 27, 2022, as presented. Second by L. Routhier. The motion passed by unanimous vote.

S. Davis moved to approve the minutes of October 25, 2022, as presented. Second by K. Hayes. The motion passed by unanimous vote.

# Adjournment

K. Hayes moved to adjourn. Second by S. Davis. The motion passed by unanimous vote.

The meeting adjourned at approximately 7:30 PM.

Respectfully Submitted,

Krista Argiropolis

Recording Secretary