

MINUTES
FRANCONIA ZONING BOARD of ADJUSTMENT
MEETING & PUBLIC HEARING
Wednesday, November 2, 2016

Board members present: Phil Krill, Frank Clulow, Bess Andrews & Susan Retz

Other present: Jason Jacobs, John Devlin

A meeting and public hearing of the Franconia Zoning Board of Adjustment (ZBA) was held on November 2, 2016 at the Franconia Town Hall.

The meeting was called to order by Chairman Phil Krill at 6:09 PM.

PUBLIC HEARING:

Application for Variance Case 2016-01

John Devlin represented Jason & Jessica Jacobs for an area variance. The Board introduced themselves to the applicant and there were no issues with members.

Chairman Phil Krill reviewed the By-Laws in regards to conducting a public hearing:

- The hearing was advertised in the Caledonian newspaper
- Notice to abutting property owners was mailed, and
- Applicants were present at the meeting.

The applicant would like to build a garage within the sideline set back to their lot. Applicant would be replacing a 12' x 18' garage with a 20' x 24' new garage. Dr. Jacobs is a Pediatrician who is on call and needs to be out the door and at the hospital within 15 minutes. The neighbor Brian Jessman emailed John that he was okay with the garage being built within the 20 foot setback. Brian's garage is 7 feet from the property line. There are several homes in the area that are not in compliance with the setbacks.

There were no public residents at the meeting.

Frank made a motion to accept the application as was submitted and Phil seconded the motion with all voting in favor.

The meeting closed and, the deliberative session began at 6:20pm.

Phil Krill reminded the Board members that there are five requirements for granting a variance. After a discussion, a unanimous vote confirmed that the application meets the following criteria:

- It would not be contrary to the public interest,
- It would do substantial justice,
- It would not be contrary to the spirit and intent of the ordinance,
- It would not result in a decrease in the value of the surrounding properties,
- Denial of the variance would result in unnecessary hardship.

Phil Krill questioned John Devlin about the possibility of not needing the variance by building a side entry garage behind the house. John Devlin responded that this was not possible due to the septic system being in that area. Phil Krill as did the other that this was a valid reason for not pursuing that possibility.

Susan makes a motion to allow Bess to vote as an alternate, Frank seconded the motion with all voting in favor.

The map being used has been prepared by John Devlin and also a copy of the Franconia Town Tax map for Map 14, lot 26.

Susan made a motion to ACCEPT AND APPROVE THE AREA VARIANCE, Frank seconded the motion with all voting in favor.

Frank made a motion to accept the minutes as written and Susan seconded the motion with all voting in favor.

Meeting was adjourned at 6:35 pm

Respectfully submitted,

Herbie Bartlett
Secretary