



Town of Plaistow
ZONING BOARD OF ADJUSTMENT
145 Main Street - Plaistow, NH 03865

ZONING BOARD OF ADJUSTMENT
December 01, 2016

The meeting was called to order at 7:01 p.m.

Roll Call: Peter Bealo, *Chair, Excused*
Tim Fisher, *Vice Chair, Excused*
Jim Allen, *Co-Chair for this Meeting*
Joyce Ingerson
Dan Lloyd, *Co-Chair for this Meeting*
John Blinn, *Alternate*

★John Blinn was appointed as a voting member for this meeting.

Review of Minutes

★D. Lloyd moved, second by J. Allen, to approve the minutes of the October 27, 2016 meeting. There was no discussion on the motion. The vote was 3-0-1 (Ingerson abstaining).

#16-14: A request from Greg Bouchicas, for a variance from Article V, §220-32I, to permit a carport to be built within one (1) foot of the side property line where 15 feet is the required minimum. The property is located at 19 Spinney Ave, Tax Map 38, Lot 30 in the MDR District. The property owner of record is Debra M. Delyani.

Greg Bouchicas and Debra Delyani were present for the application.

It was noted that a letter had been received from the property authorizing the application.

G. Bouchicas offered that he would like to erect a 20' X 30' carport within one (1) foot of the property line on the side of the house. He added that Hal Lewis owns the property closest to the carport. Mr. Bouchicas noted that he had already begun to construct the carport not realizing he would need a building permit or that there would be a setback issue. He added that there was no place on the property to construct a proper garage.

G. Bouchicas offered the following in answer to the criteria required for the granting of a variance:

- It would not be contrary to the public interest as the property is located at the end of a dead-end road
- It is not contrary to the spirit and intent of the ordinance because of the private location of the property

- There would be substantial justice because covered parking would be available for the resident's vehicles
- The surrounding property values would not be diminished because the carport will look good and add value to the property
- Literal enforcement of the provisions of the ordinance would result in unnecessary hardship because there would be no where to park vehicles to protect them from the elements

J. Allen asked if the members of the Board had any questions.

J. Blinn asked if the carport would be open on the sides.

G. Bouchicas responded that it would be. He noted that it would be constructed of plywood and the roof would be shingled.

J. Allen asked if there was anyone speaking in favor.

A letter from Hal Lewis, 38A Main St, was read for the record. Mr. Lewis's letter noted no objections to the proposed application or the project.

J. Allen asked if there was anyone speaking in opposition to the application. There was no one and the matter was closed.

It was explained that the Board would now deliberate on the matter, but that there could be no further input. All notices of decision would be sent out within ten (10) days and there was thirty (30) day appeal period in case someone should think the Board erred in their decision. No permits will be issued during the appeal period.

DELIBERATION:

★J. Ingerson moved, second by D. Lloyd, to approve the request for a setback variance at 19 Spinney Ave as noted in the legal notice.

The Board reviewed the criteria for the granting of a variance making the following determinations:

- The application will not be contrary to the public interest in that it is located at the end of a dead-end road and the most-affected neighbor has no problem with the carport
- The spirit and intent of the ordinance is kept while allowing the applicant a place to protect their vehicle
- There is substantial justice in granting the variance as there is no gain to the public, only to the applicant
- There will be no affect on the surrounding property values as evidence by the lack of anyone speaking against the application

- The applicant would suffer a hardship by not being able to protect their vehicles under cover.

There was no additional discussion on the motion. The vote was 4-0-0 U/A.

#16-15: A request from DC Development & Construction, LLC for a special exception under Article X, All Sections to permit a home office for a business, namely an office for a construction company. The property is located at 4 Gunstock Rd, Tax Map 62, Lot 41-15 in the LDR District. The applicant is the property owner of record.

J. Allen stated that he was recusing himself from this matter.

**D. Lloyd chaired for this hearing only.*

D. Lloyd called for the matter three (3) times. There was no representation for the application and the matter is considered withdrawn without prejudice. The applicant will have to reapply if they wish to move forward.

There was no additional business before the Board. The meeting was adjourned at 7:24 p.m.

Respectfully Submitted:

Dee Voss
Administrative Assistant