



TOWN OF LITCHFIELD

LITCHFIELD ZONING BOARD OF ADJUSTMENT
Litchfield, New Hampshire
September 14, 2016

DRAFT

Regular meetings are held at the Town Hall at 7:00pm on the 2nd Wednesday of each month.

ZBA Members in Attendance (indent if absent):

Richard Riley, Chairman
Laura Gandia, Vice Chairman
John Regan
 Albert Guilbeault
 John Devereaux
 Eric Cushing (alternate)
Greg Lepine (alternate)
Thomas Cooney (alternate)

I. CALL TO ORDER AND ROLL CALL

Richard Riley called the meeting to order at 7:02pm. He called the roll. Alternates, Greg Lepine and Thomas Cooney, were appointed by the Board to sit in for the missing board members.

II. PROCEDURES FOR PUBLIC HEARINGS

Notice of Public Hearing was posted and published in the Hudson-Litchfield News. Notice of the meeting and agenda were posted at town hall and public library. Rich Riley explained the procedures for tonight's public hearing.

Rick Riley called Case #2016-02. Laura Gandia read aloud the Application for a Variance.

Case Number: 2016-02

Name of Applicant: Luanna Vollmer

Owner of Property: Luanna Vollmer

Location of Property: 3 Riverview Circle, Map 6 Lot 50

Appeal Requested: A variance is requested from the Zoning Ordinance, Section 300, to permit the construction of a detached garage (approximately 24ft x 24ft) such that the proposed garage would be set back 10ft from the side setback where a minimum of 20ft side setback is required.

Laura Gandia read aloud the denial letter from Kevin Lynch, Litchfield Building Inspector & Code Enforcement Officer. Letter is on file.

Laura Gandia read aloud the letter dated 8/2/16 from abutter, Michael & Kathryn DiCola, of 5 River view Circle. Letter is on file.

The Applicant, Luanna Vollmer, addressed the Board and read aloud her responses to the five criteria from Section 2 of the Application for Variance. She explained why she believed the five requirements necessary to grant a variance would be met, and elaborated on each.

She explained that she was applying for a reduction of the side lot setback along the south side lot line to 10ft allowing for the construction of a 24ft x 24ft barn style garage to be built behind the existing residential structure. She said by "behind", she meant the long side in and in back of. It would allow access from the existing driveway. So, there wouldn't be any need for adding new driveways. She read her response to criteria #1; the variance will not be contrary to the public interest because the purpose is for building a quality structure that will increase property value, add to aesthetics value and appearance, provide privacy for the subject property and also provide privacy for the direct abutter, DiCola. It would act like a fence between the two properties.

She went on to criteria #2; the spirit of the ordinance is observed because the proposed variance allows for improvement while preserving necessary access to the back of the lot, a safe distance between the structures, and it does not infringe on the abutters. The only abutter it affects is DiCola, and he agrees it will be an improvement.

Luanna Vollmer asked if there were any questions from the Board regarding criteria 1 and 2. There were none. She continued with criteria #3; substantial justice is done because the orientation of the 30-year-old existing structure to the lot line is such that the 20 ft setback would limit placement of the proposed structure to infringe on the existing and established landscaping, hardscaping, fruit trees and it would also not have a positive aesthetic value. She presented copies of aerial map to the Board for their review. She said it shows the lot lines.

She continued with criteria #4; the values of surrounding properties are not diminished because the planned quality improvement would increase the value of the subject property, add to aesthetic value, and not infringe on surrounding property. She said it would be an improvement. It would not detract in any way.

Criteria#5; literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because the residential dwelling built on the subject property 30 years ago with an extended front setback because of the established building, landscape, the driveway, and the sloping backyard to the Merrimack River, and that portion (the sloping back yard) is owned, but it's unbuildable land. There's no reasonable alternative to adding a detached structure of that size. Completion of the proposed structure would still allow generous emergency access with over 60 ft between the abutter's existing building. When he said 10 ft, that means 10ft to the lot line. The actual distance between the two buildings would be 60 ft. The proposed use is as a barn style garage, and equipment storage. She said she needs reasonable storage for autos, outdoor equipment, wood which she burns in her wood stove in the winter.

Rick Riley asked to see the plot plans. Luanna Vollmer pointed out where the existing house is and where the proposed structure would be built. She said you could see that they set the house so far back that there's little space. John Regan asked what was in the space right now. She replied that there was a garden and a two sheds. Laura Gandia asked if she had a garage. Luanna Vollmer showed where it was located on the plot plan. She said it was a 2 car garage. She explained that there is no extra space in the 2 car garage to store cord wood or a lawnmower or anything else. Greg Lepine asked if the new structure will be used as a garage. Luanna Vollmer

said yes. Greg Lepine asked if she would be extending the driveway to it. She said yes. She said she didn't know if she will use hard pavement, maybe just gravel. It will be a minimal distance of about 7 ft.

Greg Lepine asked what the distance was from building (proposed garage) to building (abutter's home on left). She said 60 ft. John Regan said he would have concern only if her neighbor had a driveway on the same side. He explained that would have a concern that in the future they could apply for a variance too and the buildings would end up being close together. But, since the neighbor's driveway is on the other side, it would be very unlikely that the neighbor would ever want to add on to this side. If they ever decided to add on, it most likely would be on the side where their driveway is. Rick Riley also commented that the letter supporting the applicant's request was submitted by this same neighbor.

Greg Lepine asked if she considered moving the garage over and back, behind the house. She explained that there is an established deck, a pond, two apple trees, and also the view of the river is important to her. She would also need to add more driveway, and would probably have to do a side entry. She said she looked at other options, like this one, but nothing worked out. Rich Riley asked if she had a site plan. She handed copies to the board members. She explained what was depicted on the plan. They reviewed the plan.

Richard Riley asked the Board if they had any other questions for the applicant. There were none.

Richard Riley opened it up for public input. There were none. Laura Gandia made a motion to close public input and Greg Lepine seconded the motion. Motion carried 5 - 0. Public input was closed.

The Board went into deliberation. Greg Lepine said they had a similar case in the past, but the two driveways were side by side. Greg Lepine said, in this case, the garage is on the other side. So, it shouldn't be a problem. Richard Riley said to also keep in mind that the abutter is the person who submitted the letter saying that they support the application. Laura Gandia said this variance isn't going to affect if the abutter wanted to build an addition in the future. She said their rights are not affected at all. Richard Riley said seeing as it is set back so far from the street, he couldn't see how it poses any safety issues. And he said it doesn't seem to diminish any surrounding property values. Laura Gandia said she struggles a little with the 5ft, but she said the Applicant doesn't have any other place to put it that's going to logistically work. Rich Riley agreed that nothing else will work based on the existing landscaping and so forth. Laura Gandia said, more important than the landscaping, is the fact that if she moved it 10ft over, that would make it about 4 ft from the house...and moving it back and over, would put it in the middle of her back yard. The board completed deliberation.

Laura Gandia made a motion to grant the applicant's request for a variance to Section 300 of the LZO to build a garage 10ft into the 20ft side setback. John Regan seconded the motion. Motion carried 5 - 0.

Rich Riley informed the Applicant that the Notice of Decision will be sent in the mail. Rich explained to the Applicant that anyone who may read about the decision or hear about the decision could appeal within 30 days, so they have to wait 30 days before beginning construction.

III. **ADJOURNMENT**

Laura Gandia made a motion to adjourn the meeting and John Regan seconded the motion.
Motion carried 5 – 0. Meeting adjourned at 7:30pm.

Exhibit 1 – Certified Plot Plan

Exhibit 2 – Abutter’s Letter

Exhibit 3 – Aerial Map

Respectfully submitted,
Gisele Mercier