

**ZONING BOARD OF ADJUSTMENT  
DECEMBER 1, 2015 DRAFT MEETING MINUTES**

**Present:** Chairman - Jack Dearborn, Member - Stu Richmond, Member - Malcolm Wright, Member - Marc Morette, Alternate to Michael Meyer, Alternate to Donald Rogers, Land Use Coordinator to Chip Meany, Minute Taker to Tina Ripley

**Guests:** Daniel Muller, Canide Sleeman, John Henry, Diane Durgin, Maria Dolder, Michael Durgin, Richard Hoenig, Ann Cummings

**I. CALL TO ORDER**

The meeting was called to order by Jack Dearborn at 7:30pm.

**II. PUBLIC HEARING**

**Case #0715 – Continued from July; Michael & Diane Durgin, are requesting a variance from Article 14-3.1 on the South Side of Colby Road at Map 413, lots 154.3-154.18 in R/A Zone**

Jack said the way we left this from the last meeting in October, is we closed the public hearing. Jack said the only action from the Board is to deliberate on the 5 points of hardship. Jack said there will be no public input from the audience.

The Board seated for this case is Marc Morette, Stu Richmond, Jack Dearborn, Don Rogers, Malcolm Wright.

Marc moved to accept prong 1. Malcolm seconded. Motion failed. 0-5-0

Jack read the following pertaining to prongs 1 and 2: "The purpose of the zoning change from 2.5 acres to 5 acres is to prevent overcrowding and provide greater assurance that soils can support housing and development.

This variance request is inconsistent with the Town of Weare's zoning ordinance. Jack said the issue is one of degrees; we determined that, if allowing the variance it would:

Unduly and in marked a degree conflict with the ordinance, such that it violates the ordinance basic zoning objectives. Jack said we accomplish this by asking the following questions: 1) Will the proposed use alter the essential character of the neighborhood or 2) threaten the public health, safety and welfare?

Jack said he believes that the proposal variance will result in both: 1) twice the density over the requirement and 2) the neighborhood is not just an adjacent subdivision; it is a larger area which, if the variance is allowed, would have become a neighborhood of a much larger density than considered under the zoning ordinance change. Jack said he proposes denying points 1 and 2.

Marc moved to accept prong 2. Malcolm seconded. Motion failed. 0-5-0

Marc moved to accept prong 3. Malcolm seconded. Motion passed. 5-0-0

Marc moved to accept prong 4. Stu seconded. Motion passed. 5-0-0

Jack read prong 5A:öunnecessary hardshipö means that, owing to special conditions of the property that distinguish it from other properties in the area:

- i. No fair and substantial relationships exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
- ii. The proposed use is a reasonable oneö.

Jack said his opinion is the application hasn't presented sufficient evidences to support the property suffers from the öspecial conditionö which distinguishes it from the surrounding properties. Jack said the ordinance was specifically established to reduce density in certain areas. Jack said the applicant did not meet the hardship standard. Jack said he recommends denying prong 5A.

Marc moved to accept prong 5 in entirety. Stu seconded. Motion failed. 0-5-0

Jack said the variance was denied.

### **III. MEETING MINUTES**

Marc motioned to accept October 6, 2015 and November 3, 2015 has amended. Stu seconded. Motion passed. 5-0-0

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### **IV. ADJOURNMENT**

Malcolm moved to adjourn at 7:52pm. Marc seconded. Motion passed.

*Tina Ripley*