

**LONDONDERRY ZONING BOARD OF ADJUSTMENT  
268B MAMMOTH ROAD  
LONDONDERRY, NH 03053**

**MINUTES FROM 09/21/22 MEETING**

The meeting was called to order at 7:00 p.m. Members introduced themselves. The following members were present: Suzanne Brunelle, Acting Chair; Mitch Feig, member; and Chris Moore, alternate member. Also, participating was Laura Gandia, Associate Planner; Nick Codner, Chief Building Inspector; and Beth Morrison, Recording Secretary. Acting Chair Brunelle informed the public that there are only three voting members this evening and if they wished to ask for a continuance until next month to have a full board they can.

**I. APPROVAL OF MINUTES -**

**C. Moore made a motion to accept the August 17, 2022, meeting minutes as presented.**

**The motion was seconded by M. Feig.**

**The motion was granted, 3-0-0.**

**II. REPORT BY TOWN COUNCIL – None**

**III. REGIONAL IMPACT DETERMINATIONS:** Associate Planner Gandia informed the Board that she had fourteen projects for their consideration.

1. CASE NO. 09/21/22-1: Request for a Special Exception for a Home Occupation per LZO 5.12 for a whole body/mind training fitness center, Six Quentin Drive, Map 5 Lot 50-10, Zoned AR-1, Chris & Karalyn Von Pichl (Owners) and Karalyn Von Pichl (Applicant)
2. CASE NO. 09/21/22-2: Request for a variance from LZO 4.2.1.3.C.1 to encroach 15 feet into the 40-foot front setback for the installation of front porch/steps, 48 South Road, Map 3 Lot 16, Zoned AR-1, William & Jacqueline Gauvain (Owners & Applicants)
3. CASE NO. 09/21/22-7: Request for a variance from LZO 4.2.1.3.C.1 to encroach 10 feet into the 40-foot front setback for the construction of front stairs, 401 Mammoth Road, Map 12 Lot 63-2, Zoned AR-1, Waterford Construction LLC (Owner & Applicant)
4. CASE NO. 09/21/22-10: Request for a variance from LZO 4.2.1.3.C.1 to encroach 12 feet into the 40-foot front setback for the construction of covered porch/stairs, 18 Raintree Drive, Map 8 Lot 3-49, Zoned AR-1, Joy Stewart Buzzell (Owner & Applicant)

**M. Feig made a motion that the cases are not of regional impact.**

**The motion was seconded by C. Moore.**

The motion was granted by, 3-0-0.

#### IV. PUBLIC HEARING OF CASES

**A. CASE NO. 08/17/2022-1: Request for a variance from LZO 4.3.3.B.2.a to encroach 30 feet into the 50 foot landscaping buffer, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred Pittore (Owner & Applicant)**

Acting Chair Brunelle informed the Board that the applicant has requested a continuance.

**Member C. Moore made a motion to continue CASE NO. 08/17/2022-1 request for a variance from LZO 4.3.3.B.2.a to encroach 30 feet into the 50 foot landscaping buffer, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred Pittore (Owner & Applicant) until October 19, 2022.**

**M. Feig seconded the motion.**

**The motion was granted, 3-0-0. The applicant's request for a continuance was GRANTED.**

**B. CASE NO. 08/17/2022-2: Request for a variance from LZO 4.6.1.3.B.12 to allow parking and other site improvements in the 100 foot conservation overlay district which is otherwise prohibited, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred Pittore (Owner & Applicant)**

Acting Chair Brunelle informed the Board that the applicant has requested a continuance.

**Member C. Moore made a motion to continue CASE NO. 08/17/2022-2 request for a variance from LZO 4.6.1.3.B.12 to allow parking and other site improvements in the 100 foot conservation overlay district which is otherwise prohibited, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred Pittore (Owner & Applicant) until October 19, 2022.**

**M. Feig seconded the motion.**

**The motion was granted, 3-0-0. The applicant's request for a continuance was GRANTED.**

**C. CASE NO. 08/17/2022-3: Request for a variance from LZO 4.6.1.3.B.12 to allow parking and other site improvements in the 50 foot conservation overlay district which is otherwise prohibited, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred Pittore (Owner & Applicant)**

Acting Chair Brunelle informed the Board that the applicant has requested a continuance.

**Member M. Feig made a motion to continue CASE NO. 08/17/2022-3 request for a variance from LZO 4.6.1.3.B.12 to allow parking and other site improvements in the**

50 foot conservation overlay district which is otherwise prohibited, 15 Rockingham Road, Map 13 Lot 99, Zoned C-II, Alfred Pittore (Owner & Applicant) until October 19, 2022.

C. Moore seconded the motion.

The motion was granted, 3-0-0. The applicant's request for a continuance was GRANTED.

**D. CASE NO. 09/21/22-1: Request for a Special Exception for a Home Occupation per LZO 5.12 for a whole body/mind training fitness center, Six Quentin Drive, Map 5 Lot 50-10, Zoned AR-1, Chris & Karalyn Von Pichl (Owners) and Karalyn Von Pichl (Applicant)**

C. Moore read the case into the record noting there is no previous zoning. Karalyn Von Pichl and Chris Von Pichl, owners at Six Quentin Drive, addressed the Board. K. Von Pichl started off the discussion noting that the Board that she has worked in fitness for about 30 years and she started a small studio during COVID at her house. She noted that she is doing fitness classes in her home studio, stating that it can be 1:1 or the clients can bring friends.

Acting Chair Brunelle asked if the Board had any questions. She asked for clarity on the square footage, noting the total living space is 2,320 SF. K. Von Pichl replied that number she got online. She added that the studio is one room in their finished basement. Acting Chair Brunelle asked if she wanted any employees. K. Von Pichl replied she does not. C. Moore asked if they need any more parking. K. Von Pichl replied that she does not. M. Feig asked for how many cars she might have at one time parked in her driveway. K. Von Pichl replied that at a maximum, she could have four clients in her home gym, noting most people will carpool if coming with a friend. C. Moore asked if four additional cars can be accommodated in the driveway. K. Von Pichl replied that is correct. Acting Chair Brunelle asked if she wanted to have a sign. K. Von Pichl replied that she did not. M. Feig asked if 15 SF was big enough for four people. K. Von Pichl replied that the room is 15-feet by 15-feet. Associate Planner Gandia interjected noting that the application states 15 SF is to be used for the home gym, but instead it will be 15-feet by 15-feet. K. Von Pichl replied that is correct. Acting Chair Brunelle commented that this would be 225 SF, which would be approximately 10% of the total living area. C. Moore asked if she needed any additional construction. K. Von Pichl replied she did not and has two egresses. M. Feig asked if the equipment is already there. K. Von Pichl replied that it is. M. Feig asked if the pool counted in the square footage. Associate Planner Gandia replied that the pool does not count in the square footage of the living area. C. Moore asked if there are any other businesses in her neighborhood. K. Von Pichl replied that there are some.

Acting Chair Brunelle asked for public input. K. Von Pichl brought letters, Exhibit 1, and passed them to the Board. C. Moore read Exhibit 1 into the record.

Acting Chair Brunelle brought the discussion back to the Board and reviewed the fact finding sheet as follows:

1. Will the activities associated with home occupations detract from the rural character of the residential neighborhood, or create traffic, environmental or aesthetic impacts substantially different than the impacts created by other permitted uses in the neighborhood? Yes
2. Is the home occupation shall be incidental and secondary to the use of the property as a residential dwelling? Yes
3. Is the home occupation being conducted in a single-family or two-family dwelling unit (not permitted in multi-family dwelling units)? Yes
4. Does the home occupation shall occupy no more than twenty-five percent (25%) of the existing normal living area of the primary residence or, if the home occupation is conducted in an accessory building, no more than fifty percent (50%) of the existing normal living area of the primary residence (up to a maximum of one thousand (1,000) square feet may be dedicated to the home occupation)? Yes
5. Are only members of the occupant's immediate family residing on the property employed? Yes
6. Are you requesting permission for the employment of one additional employee on the site? No
7. Are there any exterior renovations or construction as part of a home occupation? None
8. Is there any exterior storage of any products, equipment, machinery, or materials associated with the home occupation? None
9. Does the traffic generated by the home occupation create safety hazards or be substantially greater in volume than would normally be expected in the neighborhood? No
10. Is the off-street parking adequate for anticipated customers (no parking areas in excess of those necessary for normal residential purposes will be allowed)? Yes
11. Is the home occupation conducted in accordance with all Town regulations, state laws and licensing requirements? Yes
12. Sign: The applicant is requesting no sign
13. Hours of operation: Monday through Friday from 5 a.m. to 10 a.m. and 5 p.m. to 8 p.m. and Saturday and Sunday 5 a.m. to 10 a.m.

**M. Feig made a motion in CASE NO. 09/21/22-1 to grant the request for a Special Exception for a Home Occupation per LZO 5.12 for a whole body/mind training fitness center, Six Quentin Drive, Map 5 Lot 50-10, Zoned AR-1, Chris & Karalyn Von Pichl (Owners) and Karalyn Von Pichl (Applicant) with the following condition:**

- 1. Living space used not to exceed 225 SF.**

**C. Moore seconded the motion.**

**The motion was granted, 3-0-0. The applicant's request for a special exception was GRANTED.**

**E. CASE NO. 09/21/22-2: Request for a variance from LZO 4.2.1.3.C.1 to encroach 15 feet into the 40 foot front setback for the installation of front porch/steps, 48 South Road, Map 3 Lot 16, Zoned AR-1, William & Jacqueline Gauvain (Owners & Applicants)**

C. Moore read the case into the record noting the previous zoning. William Gauvain, owner at 48 South Road, addressed the Board. W. Gauvain told the Board that the house was built in 1950 before zoning was in place. He explained that they wish to replace their front steps as they are dangerous and falling apart.

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the current front stairs are not currently safe and replacing the front stairs would only make it safer.
- (2) The spirit of the ordinance is observed: because replacing the front steps would enhance safety for his family, guests and delivery people.
- (3) Substantial justice is done: because the steps will enhance the safety of both the applicant and the public.
- (4) Values of surrounding properties are not diminished: because by replacing steps it might increase property values.
- (5) There is no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the property is unique as it was built before zoning in 1950 and they do not have another option. He said that it was a reasonable request.

Acting Chair Brunelle asked for questions from the Board. C. Moore asked how far the house is set back from the road current. W. Gauvain replied that the house already encroaches eight feet into the 40-foot front setback. C. Moore asked how far out the steps will come off the house. W. G replied the steps would come out three feet. M. Feig asked how far the front steps encroach now. W. Gauvain replied that he does not know, but feels that it might be a little less than three feet. C. Moore asked how many steps. W. Gauvain replied that it would be one step and then the landing. M. Feig asked if most of the properties around him on South Road are close to the road. W. Gauvain replied that they are. Acting Chair Brunelle asked about railings. W. Gauvain replied that he would install railings.

Acting Chair Brunelle asked for public input and there was none.

The Board closed public input and began deliberation:

- (1) The variance would not be contrary to the public interest: because it does not alter the essential character of the neighborhood.
- (2) The spirit of the ordinance would be observed: because it does not alter the essential character of the neighborhood and makes it safer.
- (3) Substantial justice would be done: because the loss to the applicant outweighs any gain to the general public.
- (4) Values of the surrounding properties would not be diminished: because improving the steps might increase property values.
- (5) There is not a fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property is unique as the house is already encroaching eight feet into the front setback and was built in 1950, which is pre-zoning. The proposed use is a reasonable one.

**C. Moore made a motion in CASE NO. 09/21/22-2 to grant the request for a variance from LZO 4.2.1.3.C.1 to encroach 15 feet into the 40-foot front setback for the installation of front porch/steps, 48 South Road, Map 3 Lot 16, Zoned AR-1, William & Jacqueline Gauvain (Owners & Applicants)**

M. Feig seconded the motion.

The motion was granted, 3-0-0. The applicant's request for a variance was GRANTED.

**F. CASE NO. 09/21/22-3: Request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #4) with 50.28 feet of frontage where 150 feet are required, 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants)**

Acting Chair Brunelle read the case into the record noting the applicant has requested a continuance.

**M. Feig made a motion in CASE NO. 09/21/22-3 to continue the request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #4) with 50.28 feet of frontage where 150 feet are required, 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants) until October 19, 2022**

C. Moore seconded the motion.

The motion was granted, 3-0-0. The applicant's request for a continuance was GRANTED

**G. CASE NO. 09/21/22-4: Request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #1) with 50.00 feet of frontage where 150 feet are required, 13 Sheridan Drive, Map 16 Lot 50-3, Zoned AR-1, Thomas & Shawna Gardocki (Owners) and 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants)**  
MF CM

Acting Chair Brunelle read the case into the record noting the applicant has requested a continuance.

**M. Feig made a motion in CASE NO. 09/21/22-4 to continue the request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #1) with 50.00 feet of frontage where 150 feet are required, 13 Sheridan Drive, Map 16 Lot 50-3, Zoned AR-1, Thomas & Shawna Gardocki (Owners) and 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants) until October 19, 2022**

C. Moore seconded the motion.

The motion was granted, 3-0-0. The applicant's request for a continuance was GRANTED.

**H. CASE NO. 09/21/22-5: Request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #2) with 26.04 feet of frontage where 150 feet are required, 10 Sheridan Drive, Map 16 Lot 42-4,**



**Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants)**

Acting Chair Brunelle read the case into the record noting the applicant has requested a continuance.

**M. Feig made a motion in CASE NO. 09/21/22-5 to continue the request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #2) with 26.04 feet of frontage where 150 feet are required, 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants) until October 19, 2022**

**C. Moore seconded the motion.**

**The motion was granted, 3-0-0. The applicant's request for a continuance was GRANTED.**

**I. CASE NO. 09/21/22-6: Request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #3) with 26.04 feet of frontage where 150 feet are required, 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants)**

Acting Chair Brunelle read the case into the record noting the previous zoning.

**M. Feig made a motion in CASE NO. 09/21/22-6 the request for a variance from LZO 4.2.1.3.B.1 to create a lot (lot #3) with 26.04 feet of frontage where 150 feet are required, 10 Sheridan Drive, Map 16 Lot 42-4, Zoned AR-1, The Gardocki Family Trust, William & Gail Gardocki, Trustees (Owners & Applicants) until October 19, 2022**

**C. Moore seconded the motion.**

**The motion was granted, 3-0-0. The applicant's request for a continuance was GRANTED.**

**J. CASE NO. 09/21/22-7: Request for a variance from LZO 4.2.1.3.C.1 to encroach 10 feet into the 40 foot front setback for the construction of front stairs, 401 Mammoth Road, Map 12 Lot 63-2, Zoned AR-1, Waterford Construction LLC (Owner & Applicant)**

C. Moore read the case into the record noting the previous zoning. Scott DeSantis, Manager for Waterford Construction. S. DeSantis told the Board that his company bought a 1971, single-family, mobile home hybrid with the intention to tear it down as it could not be occupied. He went on noting that in the process of tearing it down, after they had applied for a two-story colonial, realized there was water in the basement. He commented that instead of being able to do down with the home, they decided to keep the home slab level and raise the house up. He said that because of this, they were further over to the right on the property and within the 15-foot side setbacks. He added that once they started construction the engineer realized they were also in the 25-foot mandated state cemetery setback and had to tear down the foundation. He noted that this was at no cost to them fortunately. He said that they are 42-feet back from the edge of the road, which does not leave them room to have front door access. He commented that the front stairs would be approximately 10-feet into the 40-foot front setback. He passed

out Exhibit 2 to the Board for their review. C. Moore asked why the applicant did not go back further when they found out that they had to push back. S. DeSantis replied that they would have been too close to a pond in the back, too close to a road in the front, too close to the road on the left and too close to the cemetery setback on the right. He mentioned that because they had to bring the house up, due to the water, the basement is now on ground level and this impacted the stairs. C. Moore asked if this was a split level. S. DeSantis replied that is correct. M. Feig asked how close they are to the pond. S. DeSantis reviewed all the setbacks and where they are with the Board.

He then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because access to the home is limited and the front stairs will not be contrary to the public interest. He added that he does not know how else they could get access to the front steps.
- (2) The spirit of the ordinance is observed: because it was observed and they built the best option for replacement as they could without a basement.
- (3) Substantial justice is done: because it improved the lot and the neighborhood.
- (4) Values of surrounding properties are not diminished: because the improvements will only increase the property values.
- (5) There is no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the property is unique as they had a 25-foot side setback on the border of the cemetery and all the other setbacks that are imposed on the lot and there is no other place to go.

Acting Chair Brunelle asked for questions from the Board. C. Moore asked to see the zoning map for this parcel. Associate Planner Gandia pulled up the town's GIS map on the screen for the Board to review. M. Feig asked for the size of the house. S. DeSantis replied that he believes it is 26-feet by 48-feet. M. Feig asked how this compares to other houses in the area. S. DeSantis replied that this is the smallest footprint that you can get without having a basement. Acting Chair Brunelle asked why there was an issue going down. S. DeSantis replied that there was about three feet of standing water. C. Moore asked if he is the owner. S. DeSantis replied that he is the owner and would be selling it.

Acting Chair Brunelle asked for public input and there was none.

M. Feig asked if the Board would have approved this if the applicant came before it was done. He said that this is something he always debates with this. Acting Chair Brunelle commented that in this day and age it is not exceptionally large, but it is larger than the other homes in the neighborhood. M. Feig asked if there was concern regarding sight distance. N. Codner replied that there is no concern about sight distance. He added that he was out there measuring today and he is only going to be encroaching 7.9 feet.

The Board closed public input and began deliberation:

- (1) The variance would not be contrary to the public interest: because it does not alter the essential character of the neighborhood by adding front steps.
- (2) The spirit of the ordinance would be observed: because it does not threaten the health, safety or welfare of the general public.



- (3) Substantial justice would be done: because the loss to the applicant outweighs any gain to the general public.
- (4) Values of the surrounding properties would not be diminished: because the essential character of the neighborhood would not be changed.
- (5) There is not a fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the property has a 25-foot side cemetery setback requirement, the pond in the back and water beneath making it difficult to build. The proposed use is a reasonable one.

**C. Moore made a motion in CASE NO. 09/21/22-7 to grant the request for a variance from LZO 4.2.1.3.C.1 to encroach 10 feet into the 40-foot front setback for the construction of front stairs, 401 Mammoth Road, Map 12 Lot 63-2, Zoned AR-1, Waterford Construction LLC (Owner & Applicant)**

**M. Feig seconded the motion.**

**The motion was granted, 3-0-0. The applicant's request for a variance was GRANTED.**

**K. CASE NO. 09/21/22-8: Request for a variance from LZO 4.12 Use Table to allow self-storage facility in the C-I zone which is otherwise prohibited, 77 Nashua Road, Map 7 Lot 129, Zoned C-I, CM Londonderry, LLC (Owner) and 201 Highland, LLC (Applicant)**

Acting Chair Brunelle read the case into the record noting the previous zoning.

**C. Moore made a motion in CASE NO. 09/21/22-8 to continue the request for a variance from LZO 4.12 Use Table to allow self-storage facility in the C-I zone which is otherwise prohibited, 77 Nashua Road, Map 7 Lot 129, Zoned C-I, CM Londonderry, LLC (Owner) and 201 Highland, LLC (Applicant) until October 19, 2022**

**M. Feig seconded the motion.**

**The motion was granted, 3-0-0. The applicant's request for a continuance was GRANTED.**

**L. CASE NO. 09/21/22-9: Request for a variance from LZO 4.12 Use Table to allow self-storage facility in the C-I zone which is otherwise prohibited, 83 Nashua Road, Map 7 Lot 130, Zoned C-I, CM Londonderry, LLC (Owner) and 201 Highland, LLC (Applicant)**

Acting Chair Brunelle read the case into the record noting the previous zoning.

**M. Feig made a motion in CASE NO. 09/21/22-9 the continue the request for a variance from LZO 4.12 Use Table to allow self-storage facility in the C-I zone which is otherwise prohibited, 83 Nashua Road, Map 7 Lot 130, Zoned C-I, CM Londonderry, LLC (Owner) and 201 Highland, LLC (Applicant) until October 19, 2022**

**C. Moore seconded the motion.**

The motion was granted, 3-0-0. The applicant's request for a continuance was GRANTED.

**M. CASE NO. 09/21/22-10: Request for a variance from LZO 4.2.1.3.C.1 to encroach 12 feet into the 40 foot front setback for the construction of covered porch/stairs, 18 Raintree Drive, Map 8 Lot 3-49, Zoned AR-1, Joy Stewart Buzzell (Owner & Applicant)**

C. Moore read the case into the record noting the previous zoning. Joy Buzzell and Tom (her boyfriend) owner of 18 Raintree Drive addressed the Board. J. Buzzell told the Board that she has owned the house since 1997 and her existing porch is damaged and unsafe. She added that she has always wanted a farmer's porch and given that the current porch needs to be redone, she thought that it was a good time to do this. She reviewed the GIS town picture with the Board noting that there is no cover for the ice and snow.

She then read the criteria for granting the variance:

- (1) The granting of the variance is not contrary to the public interest: because the existing porch needs to be replaced due to the damage from falling trees and ice. She said that the new porch will be covered with a roof to improve safety and have no ill-effect the public.
- (2) The spirit of the ordinance is observed: because the new porch will meet all other requirements, not contribute to overcrowding and will still fit the character of the neighborhood.
- (3) Substantial justice is done: because it will improve the aesthetics, safety and usefulness of the property with no negative impact on neighbors.
- (4) Values of surrounding properties are not diminished: because the porch will only add aesthetic value to the neighborhood.
- (5) There is no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because the property is unique as the existing house was built 41-feet from the front lot line, so there is no room for expansion on the front of the house without encroaching into the 40-foot front setback. She said that the use is reasonable.

Acting Chair Brunelle asked for questions from the Board. C. Moore asked if it the porch would be the exact same size. Tom replied that the old porch is 4-feet with 3-foot steps and the new porch will be the full 7-feet. C. Moore asked if the porch would be wider. Tom replied it would not. C. Moore asked if the entire structure was within the front setback. Tom responded that the 41-feet came from one of the town's engineer and that is what he used. He went on noting that they are looking to go 10-feet total, which is another 3-feet from where they are now. He reviewed the dimensions of the porch with the Board. He added that they asked for 12-feet as a buffer. M. Feig read from application noting the proposed farmer porch is 7-feet by 32-feet. J. Buzzell replied that they do not have a farmer's porch now, it is just a landing with no coverage. M. Feig asked if it was going to be wider. J. Buzzell replied that it is going to run the length of the original house. M. Feig clarified that it will be a much longer porch. M. Feig asked for the encroachment now. Associate Planner Gandia put their rendering on the screen for the Board, noting that this is the measurement the applicant put forward. C. Moore asked for clarity on the easement/right-of-way. Associate Planner Gandia explained that the 40-foot front setback starts from the property line to

the front of the house, noting there is usually a town right-of-way from the pavement to the property line. She reviewed the plot plan with the Board. Acting Chair Brunelle asked if the existing porch was there when she bought it. J. Buzzell replied that it was. M. Feig asked if the steps would make it encroach more. C. Moore replied that it would be three feet more.

Acting Chair Brunelle asked for public input and there was none.

The Board closed public input and began deliberation:

- (1) The variance would not be contrary to the public interest: because it does not alter the essential character of the neighborhood.
- (2) The spirit of the ordinance would be observed: because it does not threaten the health, safety or general welfare of the public. .
- (3) Substantial justice would be done: because the loss to the applicant outweighs any gain to the general public.
- (4) Values of the surrounding properties would not be diminished: because the essential character of the neighborhood would not be changed.
- (5) There is not a fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property: because the home was built close to the 40-foot setback with and adding a cover over the current porch would increase the safety. The proposed use is a reasonable one.

**C. Moore made a motion in CASE NO. 09/21/22-10 the grant the request for a variance from LZO 4.2.1.3.C.1 to encroach 12 feet into the 40-foot front setback for the construction of covered porch/stairs, 18 Raintree Drive, Map 8 Lot 3-49, Zoned AR-1, Joy Stewart Buzzell (Owner & Applicant)**

**M. Feig seconded the motion.**

**The motion was granted, 3-0-0. The applicant's request for a variance was GRANTED.**

V. Communication and Miscellaneous – None

VI. Other Business – None

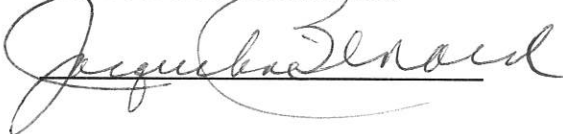
**Adjournment:**

**M. Feig made a motion to adjourn at 8:15 p.m.**

**C. Moore seconded the motion.**

**The motion was granted, 3-0-0. The meeting adjourned at 8:15 p.m.**

RESPECTFULLY SUBMITTED,

A handwritten signature in dark ink, appearing to read "Jacques Brunelle", written over a horizontal line.

CLERK

TYPED AND TRANSCRIBED BY Beth Morrison, Recording Secretary.

**APPROVED (X)** WITH A MOTION MADE BY S. Brunelle, SECONDED BY C. Moore, 3-0-2.