



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

Memorandum

Date: November 9, 2015

To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

From: Jillian M. Harris, AICP, Planning & Zoning Administrator

Subject: **Mark Rivet of 427 D.W. Highway, LLC. (petitioner/owner)** – Variance under Section 2.02.13(E)(4)(b) of the Zoning Ordinance to permit the construction of an additional 24'x32' two car garage 2.3 feet from the side property line whereas 15 feet is required. The parcel is located at 427 D.W. Highway in the C-2 (General Commercial) and Aquifer Conservation, Elderly and Town Center Overlay Districts. Tax Map 5D-4, Lot 076. Case # 2015-44.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background: The subject property is an approximately 0.35 acre lot located at 427 D.W. Highway. The property lies within the C-2 (General Commercial) District, and Elderly, Town Center and Aquifer Conservation Overlay Districts. The property is abutted by a multi-family residential building to the Northwest, Rivet's Funeral Home to the Southeast, and vacant land to the North/rear as well as across the street from the Prime Gas Station. The parcel is currently serviced by MVD water and municipal sewer.

The applicant seeks a variance under Section 2.02.13(E)(4)(b) to permit the construction of an additional 24'x32' two car garage 2.3 feet from the side property line whereas 15 feet is required. The Board may recall that the applicant received a variance in March 2015 (Case #2015-09) to construct a 24' x 36' three car garage 2.3 feet from the side property line whereas 15 feet is required and 5 feet from the rear property line whereas 40 feet is required. During the course of construction the applicant discovered that the initial design for the garage was not feasible and the re-design now includes the addition of a two car garage onto the front of the three car garage in order to address storage needs of the property. As the additional two car garage will also be 2.3 feet from the property line whereas 15 feet is required the applicant is seeking relief for the proposed addition.

Standard of Review: It is the burden of the Petitioner to demonstrate that the five requirements for the granting of the variance under Section 2.02.13(E)(4)(b) of the Zoning Ordinance have been met to permit the construction of an additional 24'x32' two car garage 2.3 feet from the side property line whereas 15 feet is required.

cc: Correspondence & Zoning Board File
ec: Mark Rivet/429 DW Highway LLC., Petitioner and Owner
Chad Branon, Fieldstone Land Consultants, PLLC
Carol Miner and Fred Kelley, Building Department
Captain John Manuele, Merrimack Fire Department