



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

Memorandum

Date: February 17, 2016
To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment
From: Timothy J. Thompson, AICP, Community Development Director
Subject: **Arthur D. King (petitioner/owner)** – Variance from Section 2.02.1.A.2(a) to permit a home occupation with more than one employee not residing at the premises whereas only one person not residing at the premises is allowed. The parcel is located at 43 Bates Road in the R-2 (Residential) District. Tax Map 3A, Lot 008. Case #2016-12.

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 located at 43 Bates Road in the R-2 (Residential District. The subject parcel, 3A/8, is currently occupied by a single family residential dwelling. The surrounding area is made up of single family homes and forested land. The property is served by municipal water (MVD) and on-site septic.

The petitioner is proposing to construct a new garage on the property (which will comply with all required setbacks), including space on both the lower and upper levels which would be used as a home occupation for the petitioner's engineering company (approximately 1,065 square feet). The petitioner will appear before the Planning Board in the near future to seek approval for the Home Occupation, however, the petitioner is proposing to have more than 1 "non-resident" (of the on-site residential unit) employee as part of the Home Occupation. Since the Ordinance only allows for 1 "non-resident" employee, a variance to that requirement is being sought. If the variance is granted, because of the introduction of "non-resident" employees, the project will require approval from the Planning Board (rather than administrative approval, see proposed conditions below).

Standard of Review:

It is the burden of the Petitioner to demonstrate that the five requirements for the granting of the Variance under Section 2.02.1.A.2(a) to permit a home occupation with more than one employee not residing at the premises whereas only one person not residing at the premises is allowed have been met.

Staff recommends, should the Board vote to grant the variance, that it be granted with the following conditions:

1. The petitioner shall obtain Home Occupation approval from the Planning Board; and

2. Following Planning Board approval of the Home Occupation, the petitioner shall obtain all required permits from the Building Division for both the new garage/office and septic system proposed as part of the project.

cc: Correspondence & Zoning Board File

ec: Arthur D. King, Petitioner/Owner
Carol Miner and Fred Kelley, Building Department
Robert Best, Chair, Planning Board