



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK ZONING BOARD OF ADJUSTMENT

APPROVED MINUTES

WEDNESDAY, JUNE 27, 2018

Members present: Patrick Dwyer, Fran L'Heureux, Richard Conescu, Lynn Christensen, and Alternates Leonard Worster, Kathleen Stroud, and Rod Buckley.

Member absent: Tony Pellegrino

Staff present: Assistant Planner Kellie Shamel and Recording Secretary Zina Jordan.

1. Call to Order

Patrick Dwyer called the meeting to order at 7:00 p.m. and designated Kathleen Stroud to sit for Tony Pellegrino.

2. Roll Call

Patrick Dwyer led the pledge of allegiance and swore in members of the public who would be testifying. Richard Conescu read the preamble.

3. **John W. Rudolph (petitioner/owner)** – Variance under Section 3.02 of the Zoning Ordinance to permit the construction of a single-family dwelling with a front setback of 45 feet whereas 50 feet is required. The parcel is located at 154 Wilson Hill Road in the R-1 (Residential) and Aquifer Conservation Districts. Tax Map 4A, Lot 003. Case # 2018-16.

John Rudolph, 154 Wilson Hill Road, wants to build a house on a 12-acre vacant lot. The required setbacks are 40' from wetlands and 50' from Wilson Hill Road. A Variance is necessary because two small roof overhangs, which are considered part of the structure, would intrude 5' into the front setback.

John Rudolph read the statutory criteria into the record. He provided a more detailed response to question #3, substantial justice, after questioning from the Board.

There was no public comment.

The Board voted 5-0-0 to grant the Variance, on a motion made by Lynn Christensen and seconded by Kathleen Stroud.

Findings of Fact

1. The granting of the variance would not be contrary to the public interest because the variance is for two simple overhangs over the 50' road setback;
2. The spirit of the Ordinance is observed because it would not affect public safety or welfare or the environment;

3. Granting this variance would do substantial justice because it is a minor intrusion that would not affect anyone. The dimensions are tight; the applicant has done everything to accommodate the lot to the zoning regulations. The buildable area is so constricted that the applicant is at a disadvantage to design something reasonable. The home would improve the lot and is reasonable based on other lots in the neighborhood;
4. The values of the surrounding properties would not be diminished because the roof overhang would create a more beautiful house on undeveloped land, which should increase property values;
5. A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:
 - 1) 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 it would be just a simple and small roof overhang over a 50' road setback;
 - 2) The proposed use is a reasonable one because the overhang is just a design element and not a change of use.

4. Discussion/possible action regarding other items of concern

None.

5. Approval of Minutes – May 30, 2018

The minutes of May 30, 2018, were approved as submitted, by a vote of 5-0-0, on a motion made by Lynn Christensen and seconded by Fran L'Heureux.

6. Adjourn

The meeting was adjourned at 7:15 p.m., by a vote of 5-0-0, on a motion made by Fran L'Heureux and seconded by Richard Conescu.