

## EXETER ZONING BOARD OF ADJUSTMENT *OCTOBER 16, 2012 MEETING MINUTES*

### Present:

Chairman: John Hauschildt  
Regular Members: Martha Pennell and Patrick Driscoll  
Alternate Members: Marc Carbonneau  
Deputy Code Enforcement Officer: Barbara McEvoy

The meeting convened at 7:00 PM.

### AGENDA:

1. Case # 1441: Variance Request - 29 Forest Street – Expansion of Non-conforming Use

### NEW BUSINESS:

1. Case # 1441: Variance Request for Expansion of Non-conforming Use - 29 Forest Street

***The application of Michael and Genevieve Robin Drunic for a variance from Article 5, Section 5.1.2 A. for the expansion of a non-conforming use to permit the proposed construction of a 14'x 28' deck with less than the required side yard setback. The subject property is located at 29 Forest Street, in the R-2, Single Family Residential zoning district. Tax Map Parcel #63-198.***

Mr. Drunic addressed the Board and proceeded to explain his request. He indicated that his existing residence was non-conforming in that it did not comply with the minimum side yard setback requirement, noting that it was situated five-feet (5') from the property line. He indicated that the parcel on which their home was located measured 0.2566 acres and was also non-conforming in that it did not comply with the minimum dimensional requirements for the R-2 zoning district. Mr. Drunic stated that they would like to add a 14'x 28' deck to the rear of their home and were seeking relief from the required ten-foot (10') side yard setback. He explained that they would like the deck to align with the existing structure which would provide for more space in their yard and would be more aesthetically pleasing. He indicated that the design of the deck depicts the proposed structure actually bumped in approximately one-foot (1') from the edge of the existing structure, therefore measuring six-feet (6') from the side property line.

Mr. Drunic stated that most of the deck would not be visible from the street and there would be limited visibility from abutting properties as it would be blocked by an existing six-foot (6') fence. He noted that he had spoken with the abutting neighbor and there was no opposition to his proposal. He further stated that the character of the neighborhood would not be altered and there would be no negative impact on surrounding property values by permitting the addition of the proposed deck.

Ms. Pennell commented that in reviewing one of the diagrams submitted with the application it appeared as though the proposed structure would be encroaching upon an area where a shed is located. Mr. Drunic clarified that the shed was longer there.

There being no further Board discussion, Chairman Hauschildt acknowledged that there was no public present and no public testimony to be offered. At this time, the Board moved into deliberations.

### DELIBERATIONS

Mr. Carbonneau stated that the request was self-explanatory and believed that the Applicant had satisfactorily addressed the criteria for granting the variance.

Chairman Hauschildt asked if there were any further questions; there were none. He asked if the Board felt it was necessary to reiterate review the criteria. Ms. Pennell commented that she thought it was necessary to review the criteria as it was part of the deliberation process, and would prefer to do so. Chairman Hauschildt commented that at last month's meeting the Board had been comfortable with the Applicant's justifications of the criteria set forth during their presentation and opted to not re-review the individual criteria points during deliberations.

Mr. Driscoll proceeded to read through the variance criteria. There being no further questions, it was determined that the Applicant had addressed the criteria adequately.

**MOTION:** *Ms. Pennell moved to grant the variance, as presented, as the Applicant had satisfied the criteria.*

*Mr. Driscoll seconded.*

**Discussion:** *Chairman Hauschildt suggested that the motion include specific parameters with respect to the amount of encroachment being permitted (i.e. "not to exceed" or "no closer than" language).*

**MOTION:** *Mr. Carbonneau moved to amend the motion to include the limitation "subject to the proposed construction being no closer than five-feet (5') from the side property line."*  
*Ms. Pennell seconded.*

**VOTE:** *The motion passed unanimously (to amend the original motion).*

**MOTION:** *Ms. Pennell moved to approve the request, as amended.*

*Mr. Driscoll seconded.*

**VOTE:** *The motion passed unanimously.*

**APPROVAL OF MINUTES:** September 18, 2012

Mr. Carbonneau indicated that he would be abstaining from voting as he was not present at the September meeting; Mr. Driscoll indicated that he also was not present. ***Consensus was to defer action until the Board's next meeting to allow the other board members an opportunity to review the minutes prior to formal action being taken.***

**CHAIRMAN'S ITEMS:**

Chairman Hauschildt began a discussion regarding the Board's procedure during deliberations. He made reference to last month's meeting when the Board appeared to have been satisfied with the Applicant's justifications of the criteria set forth during their presentation and opted to not re-review the individual criteria points during deliberations. He suggested that requesting Applicants to specifically address the individual criteria during their presentation may help to lessen some of the discussion necessary during the deliberation process. Chairman Hauschildt commented that he would prefer the procedure followed during deliberations be at the discretion

These minutes are subject to possible corrections/revisions at a subsequent  
Exeter Zoning Board of Adjustment meeting.

of the Board; he noted that certainly the level of presentation would determine how the Board would conduct its deliberations.

There being no further business, Chairman Hauschildt indicated he would entertain a motion to adjourn.

**MOTION:**    *Ms. Pennell moved to adjourn.*  
                  *Mr. Carbonneau seconded.*  
**VOTE:**    *The motion passed unanimously.*

The meeting was adjourned at 7:25 P.M.

The next meeting of the Exeter Zoning Board of Adjustment will be Tuesday, November 20, 2012 at 7:00PM in the Wheelwright Room at the Exeter Town Offices.

Respectfully Submitted,

Barbara S. McEvoy  
Deputy Code Enforcement Officer  
Planning & Building Department

**For the record:**    *It was noted that a 4.0 earthquake event took place around 7:12 p.m. this date in Maine and its epicenter was about 20 miles west of Portland, Maine. It was reported that the earthquake was felt throughout New England as far away as Connecticut. Those persons present at the meeting in the Town Office did not experience any evidence of the event and learned of it only after leaving the building.*