

PRESENT: Dever, Chairman; Pelczar, Vice- Chairman; Clark, Thorpe, Hampton, Edney, Code Enforcement Officer, Tivnan, Clerk

Thorpe moved, Clark seconded, THAT WE APPROVE THE MINUTES OF NOVEMBER 13, 2008 AS PRESENTED. Voted unanimously.

### PUBLIC HEARINGS

**2861: 38 MAIN LLC** : An appeal for a USE VARIANCE(ARTICLE V D-7 B) to convert 2<sup>nd</sup> floor commercial space to a residential apartment, minimum area required 10,000 sq. ft. per unit. This would create (2) residential units within the building. Existing lot is 5,431 sq. ft. Proposal would require 20,000 sq. ft., Tax Map U07, Lot. No. 131, located at 38 Main Street in the Central Business District.

Dever – This was noticed improperly so we will continue this to February 12, 2009. Board voted unanimously.

**2862: WILLIAM BODWELL:** An appeal for an AREA VARIANCE (ARTICLE V D-4 B) to construct a porch with a 1' rear setback, 40' required, Tax Map U01, Lot No. 26, located at 23 Anntom Rd. in the Shoreline District.

**2863: WILLIAM BODWELL:** An appeal for an AREA VARIANCE (ARTICLE V D-4 B) to construct a shed with a 5' side setback 20' required and a 3' rear setback, 40' required, Tax Map U01, Lot No. 26, located at 23 Anntom Rd. in the Shoreline District.

Bodwell - We are looking to put a porch with a setback of 1' front the railroad property line. The setback required is 40'. If we get the porch, we will then move the shed. The shed is in the way of the porch. We have looked at different places to put the porch but this is what we feel is the best spot. Clark – Have any alternative locations been considered. Why not off to the right? Bodwell – If we put it to the right, we would have to go through our bedroom to access it and sun is so bad in the front of the house. Thorpe – This is railroad property? It is my understanding that there are some people that would like to see this as a rail trail. I wonder if we grant this, are you or your neighbors going to hearsay “it is only 1' away from the porch and this is going to bother me etc”. Susan Bodwell – In response to the rail trail. Currently we have the whole railroad that goes behind us. I would find a rail trail far less distracting. Thorpe – Extending the plain of a non-conforming structure is our preference rather than an extension to the lot boundaries. If the porch extended from the front of the house to the right, it would give you access to the porch and then the expansion would be within the footprint of the house. Is that feasible? Bodwell – Where? (Showed a sketch to Mr. Bodwell) Susan Bodwell – We talked about this and the reason we didn't do it was because it was more of an encroachment to the neighbors and there are trees in the way. Clark – Any feedback from neighbors? Bodwell – No one has called me on it. Pelczar – Is it 12' x 16'? Bodwell – No, 16' 10" x 12'. Pelczar – Keeping the trees are

important, if on that end you would be encroaching onto the neighbor more, my question is, have you thought about making it 10' x 16' 10"?" Bodwell – We would like to make it as big as possible and we didn't want to remove the trees. Clark – 10' would work but 12' is more practical. What is the current setback now? Bodwell - About 3'. Clark - So you are only going 2' closer. Bodwell – Most of the houses on this street are that close. Thorpe – Bill, do roof overhangs that extend beyond the foundation count? Bill – That 1' encroachment would include overhangs. The outside most eave of that porch has to be within that 1'. Because of the nature of the request, you will also be required to do a foundation certification. Clark – Why can't the shed be moved? Bodwell – The trees are by the door. The shed will be moved to the other side if we get the porch. Hearing closed at 7:20 PM.

### DELIBERATION

#### 2862: WILLIAM BODWELL:

Dever – Do you think this would?

1. No diminution in value of surrounding properties would be suffered. Clark – I think this would be in concert with the other properties. All members agreed.
2. Granting of this variance will not be contrary to the public interest. Dever – Most everyone is in violation there.
3. Since:
  - a. the following special conditions of the property make an area variance necessary in order to allow the development as designed;  
Dever - It's a small lot and they don't have a porch. Clark – It seem that this is the best location.
  - b. the same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden.  
Thorpe – I don't think so.
4. The use contemplated by petitioner as a result of obtaining this variance would not be contrary to the spirit of the ordinance. Clark – I do not believe it is contrary to the spirit of the ordinance.

Clark moved, Thorpe seconded, IN CASE # 2862, WILLIAM BODWELL, I MOVE THE APPEAL FOR AN AREA VARIANCE (ARTICLE V D-4 B) TO CONSTRUCT A PORCH WITH A 1' REAR SETBACK, 40' REQUIRED, TAX MAP U01, LOT NO. 26, LOCATED AT 23 ANNTOM RD. IN THE SHORELINE DISTRICT BE GRANTED, AS THE

APPLICANT HAS DEMONSTRATED PERFORMANCE WITH THE FIVE CRITERIA FOR GRANTING AN AREA VARIANCE. Voted 5-0 in favor.

**2863: WILLIAM BODWELL:**

Dever – Mr. Bodwell explained to us that the shed is now in the way of where the porch will be so he needs to relocate it to the other side of the property. Clark – It seems to me that he has met the five criteria.

Clark moved, Hampton seconded, IN CASE #2863: WILLIAM BODWELL, I MOVE THE APPEAL FOR AN AREA VARIANCE (ARTICLE V D-4 B) TO CONSTRUCT A SHED WITH A 5' SIDE SETBACK 20' REQUIRED AND A 3' REAR SETBACK, 40' REQUIRED, TAX MAP U01, LOT NO. 26, LOCATED AT 23 ANNTOM RD. IN THE SHORELINE DISTRICT BE GRANTED AS THE APPLICANT HAS DEMONSTRATED PERFORMANCE WITH THE FIVE CRITERIA FOR GRANTING AN AREA VARIANCE. VOTED 5-0 IN FAVOR.

Dever – Both your appeals have been granted and there is a thirty day appeal period. Bill did say that once the construction is completed, you will have to have a certification done by licensed land surveyor.

Meeting adjourned at 7:25 PM

Respectfully submitted,

Christine Tivnan  
Planning/Zoning Clerk

Approved by the Meredith Zoning Board on \_\_\_\_\_, 2009.

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Jack Dever, Chairman