

PUBLIC HEARING AND BUSINESS MEETING

CALL TO ORDER: R. McDermott called the meeting to order.

ROLL CALL: R. McDermott, Chairman; A. Dittami, S. Volpone, Jr., P. Young,
Members
NOT PRESENT: C. Leto, Vice Chairman; J. Henebry, P. Robart,
Alternate Members

REVIEW OF MINUTES OF PREVIOUS MEETING (MAY 25, 2006)

MOTION: To approve the minutes of the May meeting as written.

MOTION: A. Dittami
SECOND: P. Young
UNANIMOUS

PUBLIC HEARINGS:

Case #06-03: Application from **Philip Philbrick and Vicki Turner** for variance to Article III, Section 3.8.1 to permit a porch within the setback for property located at 201 Drinkwater Road (Map 4, LOT 20).

P. Philbrick and V. Turner were present. P. Philbrick presented his request, as outlined in the application, for variance to allow a portion of a new porch to be located within the 50' sideline setback. He noted that the plans for the porch have changed in size. The sketch submitted with the application shows a 9' 6" porch. His architect has since changed the size to 7' 6" which now encroaches two feet less than originally planned.

He provided some history of the property stating that it is a 130 year old house on a five acre lot. There are 400' to the side property line on one side and 40+ feet to the property line on the other side. Renovations have been done to the property over the past few years and this porch is planned to enhance the exterior.

Referring to the sketch submitted with the application, P. Philbrick reported that the house itself is in violation of the setback regulations. The existing bump out is closer to the side line than the proposed porch. The rear of the house encroaches 22' into the setback. The encroachment lessens to the front of the house. The property line at the front is an estimate. It was measured from the existing edge of pavement at Drinkwater Road. He provided the Board with an architectural drawing of the proposed porch.

R. McDermott opened discussion to abutters and members of the public. Jean Farnum, 202 Drinkwater Road, indicated she had no problems with the proposal. Paul Stone, Drinkwater Road, also indicated he had no problems with the proposal. Hearing no further comments, R. McDermott closed the public hearing.

The Board reviewed the five criteria for granting a variance making the following comments:

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1. Based upon the information presented, the porch will improve the look of the house.
2. The property is already noncompliant with respect to the sideline requirement. It is an existing situation of nonconformance. The proposal is not as obvious or offensive as the existing house location.
3. The porch is aesthetically pleasing and is a logical extension of the current house.
 - 1) This is an old house, with nonconforming lot lines and a variable width right of way at Drinkwater Road. This is appropriate to approve.
 - 2) There is no other method to allow the porch without variance.
4. This is a better use of the property and it is felt that substantial justice will be done.
5. The porch will improve the look of the area and value of the property and is within the spirit of the ordinance. It is a benefit to the Town not a detriment.

Suggestion was made to have all future improvements to the porch be in compliance with the rules of the Town and be required to return to the ZBA for approval. This will address a different style or different use of the porch possibly reverting to a look that might be detrimental; an example being a three-seasons room addition or change in footprint to the porch. Discussion took place and it was determined that the building inspector will be responsible for ensuring that no further encroachment is done. This approval will relate specifically to the sketch provided with the application, corrected in measurement, and marked Exhibit A, to be made part of the permanent file.

MOTION: To grant the applicants' request for variance to Article III, Section 3.8.1 to permit a porch within the setback at property located at 201 Drinkwater Road (Map 4, Lot 20) with the following conditions:

1. That the applicant complies with all other rules and regulations of the Town of Hampton Falls.
2. That any change or alteration to the footprint of the porch for which the variance is sought or change of principal use of the porch requires ZBA approval.
3. That the porch be constructed in accordance with the dimensions as shown on the sketch submitted by the applicant labeled as Exhibit A, signed by the applicant and Chairman of the ZBA.

MOTION: A. DITTAMI
SECOND: P. YOUNG
UNANIMOUS

OTHER BUSINESS

COMMENTS OR QUESTIONS FROM THE FLOOR: No comments or questions were heard.

ADJOURNMENT:

MOTION: To adjourn the meeting at 7:39 p.m.

MOTION: R. McDermott
SECOND: P. Young

**ZONING BOARD OF ADJUSTMENT
JULY 27, 2006**

**7:00 PM
TOWN HALL**

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UNANIMOUS

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