

**ZONING BOARD OF ADJUSTMENT**

**TOWN OF BARNSTEAD**

**TOWN HALL**

**August 17, 2020 @7:00 P.M.**

**MINUTES**

**CALL TO ORDER:** David Brown, Chair called the meeting to order at 7:09 P.M.

**ROLL CALL:** David Brown, Chair, Steve Vail - Member, Joanie Foss - Alternate/Recording Secretary.

**Case No. 0720-260:** Mark & Jolene Damon of 424 White Oak Rd., Map 34 Lot 16, are requesting a variance to **Article 3, Section 3-3.01**, of the Town of Barnstead Zoning Ordinances. **Article 3, Section 3-3.01** entitled **Permitted Encroachments** states "On lots forty thousand (40,000) square feet or less where the width of the lot is less than two hundred (200) feet, the required side yard setbacks may be reduced six (6) inches for every two (2) feet of width that is less than the required two hundred (200) feet, with the limitation that a minimum of fifteen (15) feet shall not be exceeded. If this variance is granted, the property owners plan to replace the existing deck and add four (4) feet to it. This additional four (4) feet would encroach into the side line setback leaving only five (5) feet to the property line. If this application is deemed complete and accurate, a public hearing will be held. Chair Brown requested the alternate stand in as a member to reach a quorum. Chair Brown explained the procedures to be followed in review of the proposal. First the applicant will make a presentation on the proposed project, and then there would be the opportunity for questions from the ZBA. Chris Genakos presented for the Damon's he explained the current deck is a non-conforming deck. Mr. Genakos stated the Damon's, for safety and function purposes would like to replace and extend the deck four (4) feet along the existing plane, which is within five (5) feet of the property line between Lots 16 and 16-1 (physical address 420 and 424 White Oak Rd., the Damon's own both properties). Mr. Genakos stated the properties are used for private use only, and the only other option for the property owners in order to obtain a building permit is to merge the lots. The property owners contacted their mortgage company and they will only merge the lots if the Damon's refinance their home. This would be expensive due to the closing costs and higher interest rate.

**PUBLIC HEARING:** Chair Brown opened the public hearing on the application at 7:25 p.m. He called for testimony from abutters and interested parties, hearing none Chair Brown asked if there were further questions from the Board, Chair Brown expressed concern that if the property owners decided to sell Lot 16-1 then the new property owner would have a deck five feet from their property. Chair Brown closed the public hearing at 7:35.

J. Foss requested a motion to approve the variance with as close as 5' setback added on to the existing deck. S. Vail seconded the motion. Chair Brown called the vote and the Board voted unanimously to accept the application. The Chair noted that there is a 30 day appeal period on the decision.

**CORRESPONDENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**MINUTES:** S. Vail made a motion to approve the minutes of July 20, 2020. D. Brown seconded the motion. The motion passed unanimously.

**ADJOURNMENT:** J. Foss made a motion to adjourn the meeting. S. Vail seconded the motion. The motion passed unanimously.

Chair Brown adjourned the meeting at 7:43 p.m.

Respectfully submitted,

Joanie Foss  
Recording Secretary