

ZONING BOARD OF ADJUSTMENT

TOWN OF BARNSTEAD

TOWN HALL

December 21, 2020 @7:00 P.M.

MINUTES

CALL TO ORDER: David Brown, Chair called the meeting to order at 7:00 P.M.

ROLL CALL: David Brown – Chair, Mary Clarke – Alternate, Steve Vail – Member, Gary Madden - Select Board Representative, Joanie Foss – Alternate/Recording Secretary

CASE No. 1120-262: Randy J. & Joanne D. Fellbaum, of the R and J Family Trust of 62 Lake Shore Drive, Map 31, Lot 26, are requesting a variance to **Article 4 Section 4-3-3.01 F** of the Town of Barnstead Zoning Ordinances which states: Lot must be compliant with all criteria of the Zoning Ordinance including, but not limited, lot sizes, frontages, yard requirements, height requirements, wetlands setbacks and shoreland protection requirements. If this variance is granted they are seeking a Special Exception required by **Article 4 Section 4-3: Accessory Dwelling Units** of the Town of Barnstead Zoning Ordinances which states “An attached accessory dwelling unit shall be permitted in all zoning districts that permit single family dwellings following approval of a special exception by the Zoning Board of Adjustment”. If granted, this variance would allow the owners to utilize the second story of an existing 18” x 20” detached gambrel garage as an accessory dwelling unit. Chair Brown requested the alternates stand in as members 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. Chair Brown asked Mr. Fellbaum to present his application for the variance. Mr. Fellbaum explained they want to utilize the second floor of an existing detached “18 x 32” (size correction from initial application) garage as an Accessory Dwelling Unit (ADU). In review of the five criteria: 1) structure already exists, no new structure to be built for this ADU, adequate parking, adequate septic; 2) structure exists on private land away from roadways and traveled paths; 3) using the existing structure would alleviate the need to increase the surface load on the property; 4) will not impair the public health, safety, and general welfare of the town; 5) due to the non-conforming lot size it is impractical to construct an attached ADU to the primary dwelling within the required setbacks. In closing Mr. Fellbaum stated that this variance will allow the property owners to provide reasonable accommodations for individuals such as aging parents, caregivers, and disabled dependents while still allowing an amount of independence. Chair Brown asked for questions/comments from the Board members. M. Clarke expressed that it is very explicit in the Town of Barnstead Zoning Ordinance that ADU’s are not permitted in suburban districts. Chair Brown expressed concern that if this variance is approved it may set a precedent.

PUBLIC HEARING: Chair Brown opened the public hearing on the application at 7:20 P.M. He called for testimony from abutters and interested parties, hearing none Chair Brown asked if there were further questions from the Board, hearing none Chair Brown closed the public hearing at 7:21.

S. Vail made a motion to approve the variance as read. G. Madden seconded the motion. Chair Brown called the vote and the Board voted 3-1 to accept the application. It was determined that since the variance was granted, the need for discussion of the special exception was not necessary. S. Vail make a motion to approve the special exception as read. G. Madden seconded the motion. Chair Brown called the vote and the Board voted unanimously to accept the special exception. The Chair noted that there is a 30 day appeal period on the decision.

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS: None

MINUTES: M. Clarke made a motion to approve the minutes of November 16, 2020. S. Vail seconded the motion. The motion was passed unanimously.

ADJOURNMENT: M. Clarke made a motion to adjourn the meeting. G. Madden seconded the motion. The motion passed unanimously. Chair Brown adjourned the meeting at 8:02 P.M.

Respectfully submitted,

Joanie Foss
Recording Secretary

Approved 5/17/21