APPROVED

ANDOVER ZONING BOARD OF ADJUSTMENT

June 30, 2020

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu’s Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. The public has access to contemporaneously listen and participate in this meeting through the video.

Members present: Steven Bowers, Chair; Jon Warzocha, Vice-Chair; Jeff Newcomb; and Katherine Stearns

Also present for duration of appropriate item: Brooks & Mindy Bicknell; Jerry & Maryanne McFarland; David Booth; Salvatore Canciello; and Therese Mahoney

The meeting was opened by Chair Bowers at 7:00 p.m.

Public Hearing – A request from Brooks & Mindy Bicknell for a Variance to the side setback under Article IV, Section F, in order to construct an addition to their home. The property is located at 23 Bradley Loop Road and is Tax Map 13, Lot 283,043 in the Forest & Agricultural Zone

Bowers stated to the Bicknell’s that because there is not a full board, they may choose to not proceed until there is a full board or proceed with less than a full board. Should they proceed with a full board, they cannot appeal a denial decision – should that be the decision - based on the fact that there was not a full board. The Bicknell’s opted to proceed with less than a full board. Stearns stated that Mr. Bicknell had previously contacted her asking about the ZBA process; unbeknown to her at the time that Bicknell was an applicant to come before the board. The board stated that there were no concerns with the prior contact.

Bicknell explained that they currently have a 24’ x 32’ home and would like to construct a 20’ x 14’ single story addition for a bathroom and bedroom. The south side of the addition will encroach the property line at 10’ into the 15’ side setback. Bowers asked how many residents are in the home and the response was 3, the applicants and their adult son. The McFarland’s stated they are not concerned with the proposal. Newcomb asked the McFarlands where they reside in relation to the Bicknells and the response was at 19 Bradley Loop and the Bicknells are 23 Bradley Loop. Canciello stated he has no concerns with the proposal. Newcomb asked where he resides in relation to the Bicknells and the response was 28 Bradley Loop. Bowers asked if anyone present was opposed to the proposal and Mahoney stated she was just listening in as she may face the same issue in the future. Stearns stated that this addition is less of an encroachment than the existing home and Warzocha responded that this was a good observation and this addition would not make the home any more non-conforming. Newcomb stated that the board may want to vote on a variance for the existing property encroachment and Stearns responded that that was up to the applicant and not the board. Warzocha stated there was some ambiquity of where the property line is; however, it is okay to say a 15’ variance, but what happens if during construction it becomes more of an encroachment. Bowers replied that there was a variance granted in 2002 for relocating the home to this location.

There being no further discussion, the public hearing was closed at 7:32 p.m. and the board reviewed the Variance criteria:

1. Granting the variance would not be contrary to the public interest. The proposal is not contrary to public interest.
2. If the variance were granted, the spirit of the ordinance would be observed. The spirit of the ordinance would be observed if the proposal was granted.
3. Granting the variance would do substantial justice. Substantial justice is done. The proposed development is consistent with other uses in the area, which are predominantly commercial in nature.
4. IF the variance were granted, the values of the surrounding properties would not be diminished. The value of surrounding properties is not impacted.
5. Unnecessary hardship. Unnecessary hardship would be caused by a denial, based on the fact that the lot was created prior to zoning and prevent reasonable usage of the property.

Newcomb made a motion to approve the variance for the addition as presented to encroach no further than the existing structure. Warzocha seconded the motion and the board voted unanimously via roll call to approve the variance.

Approval of prior minutes

September 17, 2019

Stearns – Motion to approve

Warzocha – Second

Unanimous – Vote to approve

October 15, 2019

Stearns – Motion to approve

Warzocha – Second

Unanimous – Vote to approve

November 19, 2019

Stearns – Motion to approve

Warzocha – Second

Unanimous – Vote to approve

There being no further discussion, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Lisa Meier, Secretary

Andover Zoning Board of Adjustment