

MONT VERNON ZONING BOARD OF ADJUSTMENT**Mont Vernon, NH 03057****Meeting Minutes - Tuesday, July 16, 2019****AGENDA**

7:00 PM Case 1-2019 George Lloyd & Juliana Pires, 11 Old Amherst Road
Application for Variance

Seated: Steve **Workman**, Tony **Immorlica**, Alan **MacGillivray**, Marjean **Workman**

Absent: Sheila **Sturm**, David **Sturm**

7:05 PM

Meeting called to order by acting Chair, Steve **Workman**. Roll call was taken. Present were George Lloyd and Juliana Pires, 11 Old Amherst Road along with their architect Peter Miller. Also present was an abutter, Lisa Ballard, 6 Hillcrest Avenue. **Workman** explained that we normally have a five member Board but only have 4 members present. He gave the option of either continuing with a four member Board with the idea that they need three positive votes in their favor to grant a variance, or they can come back next month and be guaranteed a full five member Board. They chose to proceed with the hearing. **Workman** explained the rules and procedures of the hearing. The Board reviewed the minutes from 8/7/18. **MacGillivray** motioned to accept the minutes as written seconded by **Immorlica**. All were in favor, the motion passed. **Workman** opened the public hearing. Peter Miller of Millhaus Architecture gave a presentation of the renovations they wish to do on the carriage house at 11 Old Amherst Road. The carriage house sits almost entirely within the rear 50' setback. They wish to renovate the main wing of the building and move a couple of windows. On the southern side there is an open shed that is unheated. They wish to put garage doors on it and pour a concrete slab over the dirt floor. There is a middle two story unfinished storage area that they wish to tear down and rebuild exactly within the footprint but change the windows to more fit their use. They wish to add a 53 sq. ft. entry vestibule on the front of the house as well as an open air wood deck and railing. On the basement level in the rear they want to tear part of it down and rebuild and renovate a shed. They also want to add a skylight to the roof. They will be putting in a new well and septic system. This house was built in 1880; it predates our zoning and is a legal non-conforming parcel. Miller stated that they need the entry vestibule so as to have a functional mudroom with a covered entryway. Right now there is no coat closet. The middle portion now has significant settlement; the floors are very uneven. The basement head room is very low; they want to dig down a bit. The foundations are questionable; it will be easier to tear down and rebuild within the footprint to be able to use the basement and have level floors. George Lloyd stated that they want to preserve the feel of the house and the historic nature of the house. He wants to match the deck with the deck that is on the main house of the property. Lisa Ballard, an abutter, stated that she is pleased to learn that the new owners will be residing in the carriage house. It has been a rental for many years. **Workman** officially closed the public portion of the hearing. **MacGillivray** motioned to open the meeting seconded by **Immorlica**. **Immorlica** asked if the structure has been continuously occupied as a living unit since zoning came into play in 1969. He sees an issue with the footprint being changed by adding the vestibule and the deck onto an already non-conforming structure. **Workman** feels that the house is already non-conforming; to deny them that just because of where the house sits would be a hardship. **Immorlica** stated that he is trying to reconcile this with our regulations that say that you cannot make a non-conforming property more non-conforming. He believes this is why the Building Inspector denied the permit and sent the applicants to the ZBA. He questioned whether it is a 50' setback or a 30' setback. What constitutes the rear yard vs the side yard in this very irregular lot? If it is in fact a 30' setback then the deck is not an issue, but if it is a 50' setback it falls within. He stated that we need to be careful not to set any precedence because if we pass this we are allowing the expansion of an existing structure within a setback. **Workman** noted that the Mont Vernon Inn is 100% non-conforming and we granted several additions to the existing structure so he doesn't feel we'd be in violation here. **Immorlica** feels it is a nice plan that will enhance the neighborhood; his only issue is with adding to a non-conforming use within the setback. **Workman** questioned the placement of the new septic system that will service both houses on the property. He also inquired as to where they would be parking as there is no garage. **Workman** proposed to accept the variance seconded by **MacGillivray**. The Board then voted on the following conditions:

1. Variance as requested will not be contrary to public interest.
All four members agree.
2. Spirit of the ordinance is observed.
All four members agree. (**Immorlica** feels it doesn't follow the letter of the ordinance but it does follow the spirit of the ordinance).
3. Substantial justice is done.
All four members agree.
4. Values of surrounding properties are not diminished.
All four member agree.
5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship.
Two members agree; two against.

The Board unanimously approved the requested variance. The applicant was informed that there is a 30 day appeal period before they can start anything on the exterior of the structure. The public hearing was concluded. The applicants were advised that they next have to go before the Historic District Commission.

8:00 PM

As there was no further business before the Board, **M. Workman** motioned to adjourn seconded by **S. Workman**. All were in favor, the motion passed.

Respectfully submitted,
Joan Cleary, Administrative Assistant