



**Stratham Zoning Board of Adjustment
Meeting Minutes
May 24, 2022
Municipal Center/Virtual Meeting/Conference Call
Time: 7:02 PM**

Members Present: Drew Pierce, Chairperson
Amber Dagata, Vice Chairperson
Richard Goulet, Full Time Member
Bruno Federico, Full Time Member
Brent Eastwood, Alternate

Members Absent: Phil Caparso

Staff Present: Jim Marchese, Code Enforcement Officer/Building Inspector

1. Call to Order/Roll Call/Seating of Alternates

Mr. Pierce called the meeting to order and took roll call. Mr. Pierce asked Mr. Eastwood to be a voting member in order to make a full quorum. Ms. Degata seconded the motion and Mr. Eastwood agreed. The motion was passed.

2. Approval of Minutes:

a. April 26, 2022

A few typos were noted; the date was corrected to April 26th not April 29th and the Members Absent was corrected to Richard Goulet was present. Mr. Goulet asked to change Amber Degata to Vice Chairperson and Mr. Federico's name was corrected. Mr. Pierce made a motion to accept the meeting minutes of April 26, 2022 as amended. Ms. Dagata seconded the motion. Motion carried unanimously.

3. Public Hearing: Administrative appeal

- a. Case #664, Dale and Christy Hovey, 303 Portsmouth Avenue, Map 22, Lot 25.** Residential Agricultural Zoning District. A variance request from article 4.2 of the Stratham Zoning Ordinance to permit the applicant to maintain the location of a recently installed shed that is approximately 10 feet from the side lot line where 20 feet is required.

The applicant Christy Hovey, 303 Portsmouth Avenue requested a variance from the board. Specifically, the 12' x 28' shed on the property cannot be moved due to the slope of the gravel driveway and the flow of water during rain and snow. If moved, the shed would be in a run off area and water would damage the building. Ms. Hovey provided visual documentation and explained that paving the entire driveway was 38,000- 40,000 dollars. Photos were presented. Mr. Eastwood asked if the permit was filed before the building of the shed and if any notes were provided about the setback. Mr. Marchese explained the original permit intent was to center the shed on the property as shown on the GIS map printout, therefore the setback was not discussed. Mr. Pierce asked about water on the property and this was discussed. The question was asked about site prep and if the land was the most level in this location. This was confirmed by Mr. Hovey who stated the land was sloped all the way to the back of the property, but the shed is on cinder blocks and level. Mr. Pierce asked if it was possible to move the shed into the town regulations and divert the water. Ms. Hovey responded that they would they have to redo the entire driveway. No other questions were asked by the board. Others from the community were invited to speak. One resident, Donald Moran of 301 Portsmouth Avenue stated that he did not believe there was 20 feet from the Hovey's home to the edge of lawn/property line. It was assumed that it is over 20 feet. Mr. Moran stated that he did not have a problem with the Hovey's plans as long as it was not on his property. He stated he was in favor of the shed.

Mr. Pierce asked if there was any guidance being offered by code enforcement. Mr. Marchese stated that this variance is at the Boards discretion and he strongly recommended the Board go through the criteria for issuing a variance. Mr. Marchese explained there is a need but whether or not the need is substantial enough to obtain a variance remains up to the Board. Mr. Goulet asked what the remedy would be in this situation since this was installed in error. Mr. Marchese explained that Mr. Hovey came to the building department and obtained a building permit to construct the shed. The shed was constructed and Mr. Marchese went to do an inspection and recognized that where the shed was located was not where the homeowner said it was going to be located through the application process. The question came up as to where it was on the property. The owner, Mr. Hovey identified a monument several hundred feet down the sideline to an iron and identified where the approximate corner was at the stone wall closer to Rt. 33. Together Mr. Marchese and Mr. Hovey, the homeowner, strung a line point to point and measured off that line. Mr. Marchese did not certify the land, but made it very clear to the homeowner that they were just pulling a line off what the homeowner believed to be property line. Mr. Marchese stated that if the Board were to give the homeowner the relief he is looking for, a condition of approval should state that the homeowner obtain a survey of the property. Mr. Pierce agreed with the suggestion, adding that a survey be obtained showing the shed is 10 feet or more from the property line. Mr. Marchese mentioned that the Board should consider that this is a shed, not on a permanent foundation, and could be moved over accordingly if necessary in the future. This would prevent the homeowner from having to pay for the

cost of a survey at this time. Mr. Hovey stated that he could move the shed, but would be moving it into harm's way (where the water is located) and that the variance would be the best thing for them, as moving the shed would be a hardship.

With no other questions or comments, the meeting was moved as closed to the public and the board moved into deliberation. Ms. Degata made the motion to close the public meeting. Mr. Goulet seconded the motion. The vote was unanimous. Deliberation ensued and conditions were discussed among the Board.

Conditions to grant the variance:

1. The variance would not be in contrary to the public interest. The Board was in agreement.
2. The spirit of the ordinance is observed. The Board was in agreement.
3. Substantial justice would be done by granting the variance. The Board was in agreement.
4. The values of the surrounding properties are not diminished. The Board was in agreement.
- 5a. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship (this was defined). The Board was not in agreement at 4-1 with Mr. Goulet opposing.
- 5b. The proposed use is a reasonable one. The Board was not in agreement at 4-1 with Mr. Goulet opposing.

The criteria passed and the variance was granted. A motion to approve the variance to grant the relief with the condition that within 30 days the homeowner must obtain notarized written permission from Mr. Moran, stating that the shed may remain in its present location. The vote was taken at 4-1. The variance was approved with conditions as noted.

Mr. Pierce mentioned there is a 30 day appeals period. The Hoyts will be sent a written letter stating the opinion of the Board.

4. New Business:

This was Ms. Degata's last meeting serving on the Board. It was noted that Eric Herrings term expired. The application from Brent Eastwood to become a full time member would go before the Select Board on May 31st. Ms. Degata will resign in writing.

5. Other Business:

There was no other business

6. Adjourn:

Mr. Pierce made a motion to adjourn at 7:50 pm. Ms. Dagata seconded the motion. Motion carried unanimously.

Note(s):

- 1. Materials related to the above meeting are available for review at the Municipal Center during normal business hours. For more information, contact the Stratham Building/Code Enforcement Office at 603-772-7391 ext.180.*
- 2. The Zoning Board of Adjustment reserves the right to take items out of order and to discuss and/or vote on items that are not listed on the agenda*