

TOWN OF HOLDERNESS
Zoning Board of Adjustment
Meeting Minutes December 12 2023

Members Present:

Bob Maloney, Chair, Bill Zurhellen, Vice Chair, Eric McLeish, and Bryan Sweeney

Members Not Present: Jude Ruhm, Kristen Fuller and Robin Dorff, Alternate.

Staff Present: Lucinda M. Hannus, Land Use Assistant

Others Present: John McCormack, Nick Byars Owl Brook Builders

CALL TO ORDER:

The meeting was called to order at 6:20 P.M.

Chair Maloney elevated Brian Sweeney to full member status for this meeting.

APPROVAL OF MINUTES:

Motion: “To approve the minutes of September 12, 2023 as submitted”

Motion: B. Zurhellen

Second: B. Sweeney

Discussion: None

Motion Passes: 4-Yes 0-No

OLD BUSINESS: None

NEW APPLICATIONS: Case # 486-11-15 Application submitted by John J McCormack as agent for Robert C. Lamb and Maureen Lamb, as Trustees of the Robert C. Lamb Jr. Revocable Trust for a variance to replace an existing garage in a location that needs an eight (8) foot variance from the side setback section 400.8.1.1 and to have 37 sq. feet of the new garage within the side setback located in the General Residential district at 54 Howard Road.

Chair Maloney stated to the applicant that there were only four members of the board in attendance this evening and would they like to present their application to the board with less than a quorum.

Agent J. McCromack responded in the affirmative.

The chair opened the public hearing and Mr. McCormack presented the case.

The applicant is seeking a variance to rebuild a single car garage in the approximate location of a previously non-conforming by setback garage on their property. He further explained that due to construction by the local utility an electrical vault was located on the property that limits the location of the new garage to that as proposed. It will require a variance of 8’ from the 35’ side setback and approximately 37 square feet of the new garage will be built in the setback.

E. McLeish stated that this was still non-conforming and the structure is slightly larger than the garage that was removed.

B. Zurhellen stated that the ordinance does not allow an increase in the non-conformance.

N. Byars stated that the previous garage was 19' x 19' and the new garage is proposed to be 16' x 22' with the same height.

E. McLeish stated that he knows the Lambs but feels he can still review this case objectively.

J. McCormack outlined his responses to the five criteria for granting a variance, that the granting of the variance would not be contrary to the public interest as it does not alter the basic character or threaten public health, the spirit is observed because this is a fair and reasonable use of their property, it would promote justice in that it is a reasonable use of the property, the value will not be diminished as it is being moved farther away from the property line than the original structure and the literal enforcement of the provisions of the ordinance result in an unnecessary hardship because of the condition of the property due to the narrow nature of the lot and location of the electrical vault. If the variance is not granted the structure could be rebuilt on the previous footprint being seventeen feet away from the property line.

L. Hannus read two abutters, Sullivan and Hankey's comments on the proposal indicating that neither had objections to granting the variance.

B. Maloney not hearing any additional comments or questions closed the public hearing.

B. Maloney made a motion to approve the variance request as submitted by the applicant.

B. Zurhellen seconded the motion

Motion passed 4 – Yes 0 – No

Other Business: None

Next meeting: January 9, 2024

ADJOURNMENT:

The chair asked for a motion to adjourn

Motion: B. Sweeney

Second: W. Zurhellen

Discussion: None

Motion Passes: 4-Yes 0-No

Meeting adjourned at 6:40 pm

Respectfully submitted,

Lucinda M. Hannus
Land Use Assistant