

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
MINUTES
Public Hearing
December 6, 2012
Approved 1/3/13**

I. CALL TO ORDER

Tim Kinnon, Chair, called the meeting to order at 7:15 p.m.

II. INTRODUCTION OF PLANNING DEPARTMENT AND ZONING BOARD MEMBERS

Tim Kinnon, Chair, introduced himself, the Planning Department Representative, and the members of the Zoning Board of Adjustment:

John Dever, Building Inspector and Code Enforcement Officer
Tim Morgan, Vice Chair
Steve Miller, Member
Lou LaCourse, Member

III. APPOINTMENT OF ALTERNATES

There were no alternates to appoint.

IV. STATEMENT OF THE APPEAL PROCESS

The purpose of this hearing is to allow anyone concerned with an Appeal to the Board of Adjustment to present evidence for or against the Appeal. This evidence may be in the form of an opinion rather than an established fact, however, it should support the grounds which the Board must consider when making a determination. The purpose of the hearing is not to gauge the sentiment of the public or to hear personal reasons why individuals are for or against an appeal but all facts and opinions based on reasonable assumptions will be considered. In the case of an appeal for a variance, the Board must determine facts bearing upon the five criteria as set forth in the State's Statutes. For a special exception, the Board must ascertain whether each of the standards set forth in the Zoning Ordinance has been or will be met.

V. APPROVAL OF THE AGENDA

There were no changes to the posted agenda.

T. Morgan made a motion to approve the agenda as submitted. S. Miller seconded the motion which passed without opposition.

VI. CONTINUED CASES

Case #Z12-15 Stockbridge Corner Road	Variance Map 5 Lot 17-1	Michael Gawlicki Rural District
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On behalf of Michael Gawlicki, Attorney Arthur W. Hoover of Alton Law Offices is requesting a variance for the installation of a 28 year old mobile home 12 feet in width on his property at a location to the rear of the property, approximately 700 feet from Stockbridge Corner Road.

T. Kinnon read the case into the record.

Attorney Arthur Hoover of Alton Law Offices provided an overview of this case. His client, Mr. Michael Gawlicki wishes to place a 12' wide mobile home on his property on Stockbridge Corner Road. This property is the largest of three lots that make up a three lot subdivision; the total tract is approximately 5 ½ acres. The lot in question is approximately twice the size of either of the other two lots. There are no objections from any abutters.

The mobile home is 12 feet in width; Mr. Gawlicki acquired it in 2010 and it is in excellent condition. It has a pitched roof and copper conductors for the electrical service. The home is currently sitting on the site waiting for approval for final installation.

The driveway to the site where Mr. Gawlicki wishes to place the mobile home is 700 feet long, which makes the site virtually invisible from the road. The location site and the road have been cleared and timber tax has been paid. The driveway is well built and in excellent condition.

Ricky Rines of Rines Electric has inspected the mobile home and found it to be in good condition with all copper conductors for the electrical service. Mr. Rines made a few suggestions in a letter to Mr. Gawlicki; that letter is part of the application packet, and Attorney Hoover stated that implementation of the suggestions made could be included as conditions to the approval.

A three bedroom septic design has been rendered and approved by New Hampshire DES. The applicant intends to add a third bedroom addition to the mobile home which will make parts of the home wider than 12 feet.

The reason for the variance is because current ordinances require that mobile homes be a minimum of 14' in width; mobile homes are allowed in the rural district by right.

Article 300, Section 350, states that HUD standards need to be met for a mobile home to be installed in Alton. Through discussion with John Dever, Attorney Hoover feels that many of the HUD requirements are already met, though there are others that still need to be met.

Attorney Hoover went through the criteria needed to meet the requirements of this variance; he pointed to recent case law to make his points. He pointed out the distance from the road, the condition of the home and the improvements to be made (septic, electrical, etc.), as well as the fact that the use is already permitted and that there is no appreciable harm to the public if the variance is granted. Property values would not decrease due to the difference between a 12 foot mobile home and a 14 foot mobile home; due to the condition of the home and the improvements, there are no adverse impacts to this property or the surrounding ones. The general purpose of the ordinance has no relationship to this particular provision. This home is not going to be an eyesore, and it is safe. The use is reasonable; the use is already permitted in the zone.

Attorney Hoover spoke about Mr. Rines' letter dated December 8, 2011, which contains several suggestions including installation of 100 amp service with circuit breakers, ground fault protection on the circuits, and interconnected smoke and CO detectors. Attorney Hoover proposed making the suggestions in the letter and meeting the requirements of HUD conditions of the approval.

S. Miller asked if the home is going to be used as a rental; Mr. Gawlicki intends to sell his current home and move into the mobile. S. Miller asked for the reason for the 14' width requirement; John Dever answered that it was most likely due to a desire to give the homes a more site-built appearance. S. Miller asked if the home would be installed on a foundation or a slab; it will be on a slab per state requirements. S. Miller commented that the fact that the home will not be visible from the road does not indicate that there will be no affect on surrounding values; if a junk yard or hazardous waste dump were located there, it would still be invisible but it would certainly affect values. Attorney Hoover explained that the reality is that a 14' mobile home would be allowed; a 12 ' home is not going to make a difference in surrounding values.

L. LaCourse asked if there are plans to build a 3 bedroom home; Mr. Gawlicki answered that it is a possibility. He has considered using this as a home for part of the year and living elsewhere during the other part. He is

downsizing, as he needs space only for himself and his dog. The addition discussed will give him more space; it will be fully enclosed and insulated and could be used as year-round living space. L. LaCourse commented on the road and that it would be impossible to see anything up there. Mr. Gawlicki spoke about the beauty of the site and the amount of wildlife on the property.

T. Kinnon asked about the water supply; there will be a well installed in the location shown on the septic plan.

T. Kinnon opened the floor to public input; there was none. Public input was closed.

WORKSHEET

All members agreed that the variance will not be contrary to the public interest. The 12' width as opposed to the 14' width would not be contrary to the public interest.

All members agreed that the request is in harmony with the spirit of the ordinance and the intent of the Master Plan and with the convenience, health, safety, and character of the district within which it is proposed. The site is invisible from the road, and there are other mobile homes located in the area.

All members agreed that by granting the variance substantial justice would be done. There is no harm to the public by granting this variance.

All members agreed that the request would not diminish the value of surrounding properties; there has been no evidence that there would be any change in values, particularly as mobile homes are permitted in the zone and there has been no input from abutters.

All members agreed that for purposes of this sub-paragraph, unnecessary hardship means that owing to special conditions of the property that distinguish it from other properties in the area that no fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to the property, and that the proposed use is a reasonable one.

T. Morgan made a motion to approve the application for Case Z12-15 with the conditions that the applicant comply with the requirements mentioned in the letter from Mr. Rines dated December 8, 2011, and also that after completion the structure has to meet the HUD requirements as understood by the Code Enforcement Officer. S. Miller seconded the motion which passed with all in favor.

Attorney Hoover thanked the Board for their time and effort on this case.

VII. OTHER BUSINESS

A. Previous Business: None

B. New Business: The schedule for upcoming meetings was discussed. Members decided to change the meeting in July, 2013, to July 11th, as the first Thursday of the month falls on July 4th.

C. Minutes: November 1, 2012

T. Morgan made a motion to approve the minutes as amended. S. Miller seconded the motion which passed without opposition.

D. Correspondence: None.

VIII. ADJOURNMENT

T. Morgan made a motion to adjourn. L. LaCourse seconded the motion which passed without opposition.

The meeting adjourned at 7:55 p.m.

The next regular ZBA meeting will be held on January 3, 2012, at 7:00 p.m.

Respectfully submitted,

Mary L. Tetreau
Recorder, Public Session