



**TOWN OF MADISON
ZONING BOARD OF ADJUSTMENT
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**ZBA APPROVED MINUTES
MARCH 15, 2017**

CALL TO ORDER: Mr. Lucy, Chair, called the meeting to order at 6pm.

PLEDGE OF ALLEGIANCE: Mr. Hughes led those assembled in the Pledge of Allegiance.

ATTENDANCE: Mrs. King called the roll.

Mark Lucy, Chair – Present	Stuart Lord, Vice-Chair – Present
Ken Hughes – Present	Hershel Sosnoff – Present
Henry Anderson – Present	Mark Totman, Alternate – Excused
Kevin O’Neil, Alternate – Excused	

STAFF PRESENT: Colleen King- Land Use Administrator.

Others Present: Marshall Schermerhorn.

POSTING DATES & LOCATIONS: Continued Meeting Notice - 2/10/17 at Madison Town Hall Upper and Lower Level, Madison Post Office, and Silver Lake Post Office, and all abutters’ mailed Certified RR Notice.

POLLING FOR CONFLICT OF INTEREST/SEATING OF ALTERNATES

Mrs. King read Case # 16-06 into the record and Mr. Lucy polled each Board Member for any conflicts of interest with this case. Hearing none, there is a full board for tonight’s hearing.

REVIEW OF WAIVER REQUESTS

No waiver requests were submitted for this case.

REVIEW OF REGIONAL IMPACT

Mr. Lucy polled the Board individually on whether this case had a regional impact. All five members voted that there was no regional impact for this case.

RULES OF PROCEDURE

Mr. Lucy reviewed the Rules of Procedure and confirmed that Mr. Schermerhorn, the applicant of Case# 16-06, had been given an explanation of these Rules.

Mr. Schermerhorn was sworn in by Mr. Lucy.

ZBA CASE # 16-06

413 West Shore Drive, Tax Map 134, Lot 10, Rural Residential Zone

Marshall and Ann Schermerhorn are requesting a variance pursuant to Madison Zoning Ordinance Article 1, Section 1.3B, to permit the raising of the roofline from its current height of 24' +/- to 31' maximum. The footprint and location will remain as is.

Mr. Lucy asked Mr. Schermerhorn to state his appeal. Mr. Schermerhorn clarified the reason for the roofline height change. This home, which is grandfathered, has been in his family for 3 generations and is in need of upgrading and modernization as the current ceiling height in the upper bedrooms is 5'11". He is requesting a variance to raise the roofline 6'6" from the current height of 24' and is aware that the Town Zoning Ordinance allows for a roofline height of 36'. There will be no location change and the footprint will remain the same on his 2.8 acre lot.

Mr. Schermerhorn presented colored elevations from the lake, the back and sides of house which included measurements. In addition, he showed three photos from 1945, 1995 and 2015 which showed the change in the shoreline buffer and the view of the house.

Mr. Lucy asked if the Board had any questions about this request.

-Mr. Hughes asked about the height of the chimney stack. Mr. Schermerhorn stated that it will be within the allowable height and is more of a building code and permit issue.

-Mr. Hughes asked if the 'real' reason for adding windows is to enjoy the view from the bedroom. Mr. Schermerhorn replied that it is not a 'inside view' issue as he would rather enjoy the view from the dock or outside by the shore.

-Mr. Sosnoff questioned the density of the lake buffer in 2015. Mr. Lord stated that he visited the property and the photo is an accurate representation of the shoreline buffer.

-Mr. Lucy commented that this is strictly an elevation change to raise the roof height 6'6" and the certified plot plan shows the existing house and footprint. Mr. Schermerhorn reiterated that there is no change in the floor space.

PUBLIC COMMENT

Mr. Lucy opened the hearing for anyone to speak in opposition to or in favor of this appeal and read a letter from an abutter, Edward Fitzemeyer, Jr. who is in favor of this request.

Hearing no further comments, Mr. Lucy closed the public portion of this hearing.

SUMMARY OF FACTS

Mr. Lucy reviewed the following summary:

-This is a non-conforming, legal structure requesting a 6'6" increase of the roofline peak.

-Madison has a 36' height restriction and this structure will be less than 31' high.

-This structure is grandfathered in its original footprint in reference to the 75' setback to the lake.

Mr. Lucy made a Motion to accept this Summary of Facts as Findings of Facts;

Mr. Hughes seconded and all approved.

BOARD DELIBERATION

Mr. Lucy reviewed the variance criteria and instructed the board that all conditions must be met:

-Photos and proposal shown will be in the public interest;

-The ZBA considers expansion like this and a variance is necessary;

-Substantial justice will be done;

-The value of surrounding properties will not be diminished;

-The ZBA is following the literal process for an existing, non-conforming structure and the proposed use is a reasonable one.

Mr. Hughes stated that the height restriction conflict in the Madison Zoning Ordinance would cause an extreme hardship to the applicant given that the only option outside of a variance is to completely tear down the structure and rebuild it with the 36' maximum height allowable under the Ordinance. Therefore, granting this variance is justice for the applicant.

MOTION and VOTE

Mr. Anderson made a Motion to approve this variance to raise the roofline 6'6" from its current height of 24'. The footprint and location will remain as is.

Motion seconded by Mr. Lucy. All in favor; Motion passed.

Mr. Lucy explained the 30-day appeal period to Mr. Schermerhorn.

OTHER BUSINESS

CASE # 16-05, UPDATE - Kenneth and Charlene Rossetti, 24 Jungfrau Road, Tax Map 109/163, Village District of Eidelweiss, for a Variance pursuant to Madison Zoning Ordinance Article V, Section 5.9.E, to permit a proposed 4 foot deck expansion which will extend within 61' from the center line of Appenval Road, where 65' is required. This case was continued to allow the applicant time to have a certified plot plan done on his property. The applicant has contacted Ron Briggs to do the work but his work schedule will not allow the completion before mid-late Spring 2017. Mrs. King will notify the abutters by regular US Mail when this case is continued. All Boards members were in agreement.

DISCUSSION OF OFFICER ELECTIONS

There was a discussion about which month the election of officers is held. Mr. Sosnoff stated that the ZBA Rules of Procedure state that the elections are to be held in April.

The terms for Mr. Lucy and Mr. Hughes as full members expires in March 2017. In addition, Mr. O'Neil's term for Alternate also expires in March 2017. Mr. Lucy expressed his intention to remain a Board Member for another 3 years, as did Mr. Hughes. Mr. Sosnoff inquired about Mr. Lucy's intentions to remain as Chair. Officer elections will be held at the next meeting. Mrs. King will contact Mr. O'Neil about his intentions to remain as an Alternate. There is an opening for an Alternate and anyone is interested should contact Mrs. King at planning@madison-nh.org.

APPROVAL OF DECEMBER 21, 2016 MINUTES:

Draft Minutes were reviewed and edits made.

Mr. Lucy made a motion approved the Minutes as amended; seconded by Mr. Sosnoff.

All in favor; Motion passed.

COMMUNICATIONS

The 2017 Planning and Zoning Conference is April 29 and if any member is interested in attending, contact Mrs. King. The cost will be covered in the Training Budget.

ADJOURNMENT OF PUBLIC HEARING

Mr. Lucy made a motion to adjourn; Mr. Lord seconded.

All in favor; meeting adjourned at 7:00 pm

Respectfully Submitted,

Colleen King
Land Use Administrator