

Danville Zoning Board of Adjustment
Sept. 23, 2014
7:30 pm

Members present: Chris Stafford-chairman, Tara Burkhart-vice chairman, Joe Luna, Curt Springer, Janet Denison-clerk

Excused members: Roger Denison, Michelle Cooper-selectmen's rep

Others present: Kevin Hatch

The Board reviewed the September 9, 2014 minutes and made two changes. Joe made and Curt seconded a **motion to accept the September 9, 2014 minutes as amended**. The motion **passed** unanimously.

Case #2014-6 Request for a variance from Zoning Ordinance Article VI.B for Edward Delorey, 11 Main Street in Danville, Tax Map and Lot 3-169, to allow a commercial parking lot within the sideline setback.

This is a continuation from the September 9 meeting. Chris said there were a few questions from the previous meeting regarding the number of parking spaces and whether or not the number can be increased without a variance.

Kevin Hatch presented an amended site plan, stating he was able to rework the grading along the southern boundary, losing one space but gaining six spaces overall. This is using the similar 9' setback as approved for case #2014-5. Mr. Hatch said the property owner's goal is to have 30 parking spaces overall. The plan as presented tonight shows 27 spaces. He said there are, at times, cars parked on Main Street. Chris pointed out the variance is for the area to the north next to lot 3-168.

Mr. Hatch explained a hardship exists due to the NH DOT taking a portion of the property under easement. The wetlands also present a hardship.

Curt asked how it would be better for everyone if the variance is granted and what objective is obtained by either denying or granting it. Zoning is in place to protect health, safety, and welfare. Parked cars on the main road may be a safety hazard. Chris agreed that parking in the commercial zone is more important than other zones, but the two properties still need to be delineated. Chris said it must be decided if 9' is enough or if the full 15' is needed. It was said there is more benefit to having additional parking than enforcing the 15' setback.

There was a short discussion of the current number of parking spaces, 15, versus how many can be put on the lot. Curt said we need to figure out how the applicant can get the greatest number of cars parked there legally without violating the intent of the ordinance. He said the intent of the ordinance is partly to maintain a separation of lots and a 0' setback will not do this.

The variance criteria were reviewed. It was agreed the proposed use is a reasonable one and that the character of the neighborhood is being maintained. Tara asked if the variance is requested just because they want it or because they've outgrown the use of the lot. The Board discussed

keeping the lot line distinguishable. It was noted the Planning Board says a connected drive between the two properties is desirable.

It was agreed this application observes the spirit of the ordinance and does substantial justice such that fewer cars will need to park on the street. There is no evidence that property values will be diminished.

The Board discussed granting the variance with restrictions. Joe pointed out that we are connecting a dance studio with an auto repair/sales facility, and will allow them to be 9' from the property line. He said that based on the desire of the owner of lot 168 to be within 0' of the line, this Board should consider an additional restriction that each business may use their parking lot only and that the thruway must be kept clear of obstructions to allow vehicular traffic from one lot to the other at all times.

The board discussed wording for the motion.

Chris made and Curt seconded the **motion to grant the variance with the following restrictions: The commercial parking lot is allowed within the side line setback but not closer than 9' from the lot 168 property line with vegetative plantings that shall be maintained. The parking spaces on lot 169 shall not be shared with adjoining lot and there shall be no storage of vehicles for repair or sale. Parking is for the use of lot 169. The connecting drive between lot 169 and lot 168 shall be kept clear of any obstruction and maintained in a condition to allow vehicular traffic.** The motion passed unanimously.

At 8:30pm Tara made and Curt seconded a **motion to adjourn.** The motion passed unanimously.

Respectfully submitted,

Janet S. Denison-clerk