

TOWN OF TEMPLE, NEW HAMPSHIRE

ZONING BOARD OF ADJUSTMENT

August 4, 2005

FINAL MINUTES OF PUBLIC MEETING

VOTING BOARD: Chairperson John Pierce; members Peter Caswell, Nate Chamberlin, Honey Hastings, & Don Kraemer.

John called the meeting to order at 7:35 pm, introduced the board members and explained the process for hearing a case.

Donald and Jeanne Marie Andersen (owners) and Michael and Deborah Korek (applicants) have applied for a variance to Article IV, Section 13 (2) of the Temple Zoning Ordinance, to permit retail sales of country furniture, accessories and gifts in the large barn on Map 8, Lot 7 – 4, 93 NH Route 101, in the Rural Residential and Agricultural District, where the barn is closer to a lot line than is permitted by the Ordinance. Case # 8/4/2005 – 1

Donald and Jeanne Marie Andersen (owners) and Michael and Deborah Korek (applicants) have also applied for a special exception under the terms of Article IV, Section 13 of the Temple Zoning Ordinance, to permit retail sales of country furniture, accessories and gifts in the large barn on Map 8, Lot 7 – 4, 93 NH Route 101, in the Rural Residential and Agricultural District. Case # 8/4/2005 – 2

Sam Proctor, with Proctor & Greene Real Estate in Wilton, represented the applicants and explained that he thought that they met all of the requirements for the special exception except that the barn is not 100 feet from all lot lines, so that is why they are requesting a variance to Section 13 (2). He also noted that Don and Jeanne Andersen and their realtor, Kathy Booth, were in the audience along with the applicants.

Michael Korek explained that he and his wife plan to renovate the interior of the three-level barn, about 6,000 square feet, in order to sell upscale antique reproduction furniture and accessories. He said that they will leave a much intact as they can to preserve the natural ambiance of the interior and the exterior will remain pretty much untouched except that the barn door will be removed and a glass picture window will be put in its place. Mr. Korek said that he has been in retail for 15 years and feels that this will be a good business for his family and the Town of Temple.

John asked if there would be modifications to any of the other buildings on the property. Mr. Korek said no. John asked how many parking spaces there were. Mr. Korek said 7 right now and that employees could park behind or under the barn. Don Andersen drew the extension of the driveway behind the barn and showed on the sketch plan where the cars could park under the barn. Mr. Korek said he will start with two full-time employees and work up to four. He also said that he will use the office building as office space for the business and he will be renting the house, not living in it. He was asked about the load of a business on the septic system and Mr. Andersen said that a new system is being installed next week.

John went down the list of the six requirements in Section 13 needed to be met in order for a special exception to be granted. Board members checked to be sure that the barn was 500 feet from any existing dwelling of another owner (1) and whether at least one of the driveways might be more than

32 feet wide (4). The applicants met # 3, #5, and # 6 without question as Mr. Korek said that no refinishing or painting would take place on the premises. It appeared that none of the board members walked the property prior to the hearing.

Nate told the applicants that if they go ahead with this project they are supposed to update their driveway permit with the state.

MOTION: Honey/Don to close public hearing and deliberate. All in favor.

Board members went through the variance criteria provided by the applicant (see file) and felt that the most positive thing about this project was that the farm buildings would be preserved, which in turn would probably increase rather than decrease surrounding property values. They also felt that the variance would be consistent with the spirit of the Ordinance because the side where the barn comes closest to the property line is next to another commercial use.

Nate looked on the survey plan that Kathy Booth had and determined that the sketch was pretty accurate. The distance from the barn to the front lot line was 90.5 feet and the distance from the barn to the side lot line, not including the storage area, was 75 feet. If you included the storage area the distance was between 35 and 45 feet.

MOTION: Honey/Nate to grant a special exception to permit retail sales of country style furniture, accessories & gifts in the large barn on Map 8, Lot 7-4 provided that the project be carried out as described in the application; with the condition that the owner must maintain country barn appearance.

The special exception will be in harmony with the general purpose and intent of the ordinance. The request meets all requirements except for #2 of Section 13 of the Temple Zoning Ordinance. All were in favor.

MOTION: Honey/John to grant variance to the requirement that all buildings be set back at least 100 feet from all lot lines [Section 13 (2)] provided the project be carried out as described in the application; subject to the condition that there be no further encroachments to lot lines.

The variance will not be contrary to the public interest. Special conditions exist such that literal enforcement of the Ordinance results in unnecessary hardship (as set out in **Boccia**) specifically: 1. An area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property. 2. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance. The variance is consistent with the spirit of the Ordinance. Substantial justice is done. The value of surrounding properties will not be diminished. All were in favor.

MOTION: Don/Nate to refund \$40 in overpayment in abutter fees to the Korek's. All in favor.

MOTION: Honey/Nate to close public hearing. All were In favor.

OTHER BUSINESS

Minutes – May 5, 2005

MOTION: Don/Honey to accept 5/5/05 minutes as written. All were in favor.

Honey mentioned a regional select board meeting in Hinsdale on Saturday 9/10 at 9 a.m. She said that Susan Slack would be the speaker and she encouraged board members to attend.

John said that the fall Planning and Zoning conference is scheduled for Saturday, 11/5 in Lincoln. He will email information about both events to board members.

MOTION: Honey/John to adjourn the meeting. All were in favor.

The meeting was adjourned at 9:20 p.m.

Diane Nilsson, Recording Secretary