

**TOWN OF TEMPLE, NEW HAMPSHIRE**

**ZONING BOARD OF ADJUSTMENT**

**September 6, 2007**

**FINAL MINUTES OF PUBLIC MEETING**

ZONING BOARD: Chair John Pierce; members Honey Hastings and David Martz.

AGENDA: Tom and Tanya Rousseau - variance

John Pierce called the meeting to order at 7:40 p.m. Mary Beth Ayvazian attended the meeting. She may apply for a position on the ZBA. The applicants were not present so the clerk phoned and left a message on their home answering machine. Mr. Rousseau called back and said he didn't realize he needed to be present. He asked to speak to the board chair. John reported that Mr. Rousseau would leave his job in Keene and arrive in about an hour. John said that the board had other work to do.

There was a discussion about whether an applicant actually needs to be present for the board to hear their appeal. The clerk will send Wilton's language regarding consequences for an applicant that does not show up to his or her hearing. Honey will put the question to the NH Local Government Center mail list.

**Minutes – August 2, 2007**

Honey asked that the following be added to the item about budget for book buying: "Honey recommended that the board buy a book entitled NH Land Use Law at a price of \$105.00. It is written for lay boards rather than lawyers."

MOTION: Honey/Dave to approve 8/2/07 minutes, as amended. All were in favor.

The clerk will ask Debbie Harling to order the book.

**OLD BUSINESS**

**New Applications**

- Discussion about raising application fee from \$45 to \$75. The clerk will find out how much the ads cost in the Ledger then John will send a letter to the select board requesting a fee increase.

**NEW BUSINESS**

**Case #9/6/2007 – 1 Rousseau**

Tom and Tanya Rousseau have applied for a variance to article IV, section 5 of the Temple Zoning Ordinance, to permit the construction of a deck on Lot 5-8, 27 Blood Road, which would be closer to a lot line than is permitted by the Ordinance.

John opened the public hearing at 8:30 p.m. and introduced the board members. He also explained that since there were only three board members present, Mr. Rousseau would need to receive three votes in the affirmative in order for his request to be granted. John gave Mr. Rousseau the option of coming back next month when a full board might be able to be assembled. The applicant chose to go ahead with the three-member board.

Mr. Rousseau presented sketches and explained that the current deck on the house has been there for 18 years and was attached to the house when he and his wife bought it. The current deck is 16'

long and 9' wide. The 9' width is in the setback on the Farley Ball Road side of the property. There are also steps approximately 2' wide attached to the deck in the direction of Farley Ball Road. The house sits exactly 35' back from the lot line, so the encroachment into the setback of the deck and the steps is 11'. The deck was built without a building permit.

The applicant will be adding a screened porch to the back of his house and he would like to replace the deck with composite decking, make it 10' longer so it will end where the screened porch will end and make it 2' wider but cover over the current stairs and build new stairs at either end of the deck. The encroachment into the setback would still be 11' but it would be for a distance of 10' more.

Mr. Rousseau said he believed the house was built in 1980. The lot is 0.8 acres. There are no direct neighbors. The Nolte's live past the Rousseau's on Farley Ball Road and up a steep driveway. There are a couple of houses on Blood Road, but not directly across the street. There were no abutters in attendance. He said the new composite deck will cost \$8,500, will be a huge improvement over the old pressure treated deck, and will bring more tax assessment income to the town.

**MOTION:** Honey/Dave to close the public hearing in order to deliberate. All were in favor.

The applicant stated that the property line actually curves away from the proposed deck towards the back and is probably 26' from the proposed deck at that point.

Board members read the applicant's variance criteria. They agreed that the proposed deck would not diminish property values and would be of benefit to the public interest, but could not immediately find common ground relative to unnecessary hardship. They went over the facts: The house sits on a pre-existing substandard diamond shaped lot and it is placed 35' from the road; there are 6' sliders already in place that lead to a deck on the side of the house. There was still not consensus. They went on to numbers 4 and 5 and agreed that granting the variance would do substantial justice and that the proposed use was not contrary to the spirit of the ordinance.

Dave asked why the deck couldn't go behind the proposed screened porch rather than in the setback. Mr. Rousseau indicated that his leach field is located just behind and to the right of the proposed screened porch. Dave said that that information persuaded him that a hardship does exist.

**MOTION:** Dave/Honey To grant the requested variance with a requirement that the stockade fence along Farley Ball Road be maintained. All were in favor.

## OLD BUSINESS

### **New Applications and Instructions**

- Changes to Page 1 of General Information: move village & historic district up one line; change Owner to Owner(s); change Name to Name(s); capitalize Email & Phone; add a second signature line.
- Changes to Page 2 of General Information: change Applicant to Applicant(s); delete or owner at bottom of page.

- Changes to Page 3 of General Information: John will work on numbering/letting system for the actual applications.
- An addition was made to Page 1 off the Instructions stating that applicants or their representatives must attend their hearings
- Changes to Page 3 of the Instructions: 1(c) Temple Town Offices was changes to the Municipal Building; 2(d) Town Hall was changes to town offices
- Changes were made

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

The meeting adjourned at 10:30 p.m.

Submitted by Diane Nilsson, Clerk