

**AGENDA  
ZONING BOARD OF ADJUSTMENT  
JULY 6, 2020**

**AGENDA ITEM #2A  
APPROVAL OF MINUTES**

**JUNE 15, 2020**

DRAFT

LEBANON ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING AGENDA  
REMOTE VIA MICROSOFT TEAMS  
LebanonNH.gov/Live  
MONDAY, June 15, 2020  
7:00 PM

**MEMBERS PRESENT:** Chair William Koppenheffer, Vice Chair Jennifer Mercer, Alan Patterson Sr., Dan Nash, Paul McDonough (Alt), Jeremy Katz (Alt)

**MEMBERS ABSENT:** Dave Newlove (Alt)

**STAFF PRESENT:** Tim Corwin – Senior Planner and Zoning Administrator

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1 **1. CALL TO ORDER**

2  
3 The meeting was called to order at 7:02 PM by Chair Koppenheffer.

4  
5 A Roll Call of Board Members who participated remotely is listed above.

6  
7 Mr. Koppenheffer announced that Mr. Peress has formally resigned from the Zoning Board of  
8 Adjustment.

9  
10 **A. Review of meeting procedures and NH RSA 91-A “Right-to-Know” requirements**

11  
12 Mr. Corwin delivered the Right to Know procedures to the Members and the public.

13  
14 **2. APPROVAL OF MINUTES**

15  
16 **A. June 1, 2020**

17 *Mr. Nash MOVED to approve the June 1, 2020 Minutes as presented in the June 1, 2020 agenda*  
18 *packet as amended.*

19 *Seconded by Vice Chair Mercer.*

20  
21 Amendments: Page 6, Line 1; Remove ‘Standby’ and Add ‘Dansby’. Page 7, Line 16; Remove ‘Zanby’  
22 and Add ‘Dansby’.

23  
24 **Mr. Katz was appointed a voting member for the Minutes.**

25  
26 **Roll Call Vote**

27 *Vice Chair Mercer, Mr. Nash, Mr. Patterson, Mr. Katz Chair Koppenheffer all voting Yea.*

28 *None voted Nay.*

29 *\*The Vote on the Motion was unanimously approved (5-0).*

30  
31 **3. PUBLIC HEARING-Continued from June 1, 2020.**

32  
33 **Mr. Katz was appointed a voting member for this hearing.**

34 **A. NICHOLAS & REBECCA KATTAMIS, 45 SCHOOL STREET (Tax Map 107, Lot**  
35 **113), zoned R-2:** The location of the existing home extends across the side lot line shared  
36 with 39 School Street and is, therefore, non-conforming to the minimum side yard  
37 requirements in the R-2 District. Applicants propose to construct a 3-story addition to be

1 located +/-12 ft. from the side lot line. To permit the expansion of a non-conforming  
2 structure, the applicants request a Special Exception pursuant to Article VII, Section 703.1 of  
3 the Zoning Ordinance. #ZB2020-12-SE

4  
5 No additional testimony was received by the Zoning Administrator regarding this application.

6  
7 Mr. Nick Kattamis appeared on behalf of the application. No one from the public had any additional  
8 questions or comments.

9  
10 **Hearing no additional comments from the public, Chair Koppenheffer closed the Public**  
11 **Hearing.**

12  
13 The Board did not have any additional questions of the applicant.

14  
15 *Vice Chair Mercer MOVED On June 1, 2020 and June 15, 2020, at duly-noticed meetings of the*  
16 *Lebanon Zoning Board of Adjustment, there appeared NICHOLAS KATTAMIS on behalf of*  
17 *himself and REBECCA KATTAMIS, regarding 45 SCHOOL STREET (Tax Map 107, Lot 113),*  
18 *zoned R-2. The location of the existing home extends across the side lot line shared with 39 School*  
19 *Street and is, therefore, non-conforming to the minimum side yard requirements in the R-2*  
20 *District. Applicants propose to construct a 3-story addition to be located +/-12 ft. from the side lot*  
21 *line. To permit the expansion of a non-conforming structure, the applicants request a Special*  
22 *Exception pursuant to Article VII, Section 703.1 of the Zoning Ordinance. #ZB2020-12-SE*

23  
24 **I. FINDINGS OF FACT**

25  
26 Based on testimony given, application materials presented, and supporting documents submitted, the  
27 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 28 1. The subject property, which has an unusual triangular shape, is improved with a two-family  
29 dwelling constructed in 1910. Each dwelling unit is approximately 1,150 sq. ft. in size. The  
30 existing home extends approximately 8 ft. across the side lot line shared with 39 School Street.  
31 As such, the home is non-conforming to the minimum side yard of 15 ft. required for Class 1 lots  
32 in the R-2 District.  
33
- 34 2. The applicants propose to construct a 20 ft. x 25 ft. three-story, +/- 1,500 sq. ft. addition to the  
35 south side of the existing two-family home. The addition will expand the finished area of the  
36 home from +/-2,386 sq. ft. to +/-3,886 sq. ft. The proposed addition will expand the size of the  
37 existing 2<sup>nd</sup> floor dwelling unit from approximately 1,150 sq. ft. to approximately 2,650 sq. ft.  
38
- 39 3. At its closest, the addition will be located 12 ft. from the side lot line shared with 39 School Street  
40 where a minimum side yard of 15 ft. is required. Since the home is already non-conforming to the  
41 minimum side yard requirement and the proposed addition will be located no closer to the side lot  
42 line than the existing structure, the applicant is eligible to apply for a Special Exception per  
43 Section 703.1 of the Zoning Ordinance to expand a non-conforming structure.  
44
- 45 4. Class 1 lots in the R-2 District must maintain a minimum side yard of 15 ft. per §309.3 of the  
46 Zoning Ordinance. §703.1 of the Zoning Ordinance allows the expansion of “any increase in the  
47 footprint and/or volume of the non-conforming part of the building or structure,” by Special  
48 Exception from the Zoning Board of Adjustment.  
49

- 1 5. In order to grant a Special Exception for the proposed expansion, the Board must determine that
- 2 the proposal meets the criteria set forth in §703.1.A of the Zoning Ordinance. Per §703.1.A.3, the
- 3 Board must also determine that the proposal meets the general Special Exception criteria set forth
- 4 in §801.3.
- 5
- 6 6. The applicant has submitted testimony addressing the §801.3 and §703.1.A criteria in an
- 7 application received by the Planning & Development Department on May 15, 2020.
- 8
- 9 7. Jeffrey Cox, owner of the abutting property at 39 School Street, spoke in support of the
- 10 applicant’s Special Exception request.
- 11

12 **II. CONCLUSIONS OF LAW**

13 As a result of the above findings of fact and based on testimony given, application materials presented,  
14 and supporting documents submitted, the Board concludes the following with respect to the Special  
15 Exception criteria set forth in §801.3 of the Zoning Ordinance:

- 16 1. The Special Exception is specifically authorized by §703.1.A of the Zoning Ordinance. (§801.3.A)
- 17
- 18 2. The following special conditions/requirements §703.1.A **are** met (§801.3.B):
- 19
  - 20 • The reasonable use of abutting properties **is not** adversely affected by the proposed
  - 21 expansion. (§703.1.A.1)
  - 22 • The proposed expansion **will not** render the lot size proportionately less adequate, i.e.
  - 23 any aspect of the building or structure that is currently nonconforming cannot be made
  - 24 more non-conforming in the absence of a variance. (§703.1.A.2)
  - 25
- 26 3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the
- 27 Special Exception would not remedy. (§801.3.C) *Staff is not aware of any Zoning Ordinance*
- 28 *violations on the property.*
- 29
- 30 4. The character of the area **will not** be adversely affected. (§801.3.D)
- 31
- 32 5. **No** hazard or nuisance will be created. (§801.3.E)
- 33
- 34 6. The capacity of existing or planned community facilities and services (including streets and
- 35 highways) **will not** be adversely impacted. (§801.3.F)
- 36
- 37 7. The granting of the Special Exception **will not** result in undue municipal expense. (§801.3.G)
- 38
- 39 8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and
- 40 intent of the ordinance. (§801.3.H)
- 41
- 42 9. The general welfare of the City **will** be protected. (§801.3.I)
- 43

44 **III. DECISION**

45 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **15<sup>th</sup> day of June, 2020**,  
46 hereby **GRANTS** the requested Special Exception per Section 703.1 of the Zoning Ordinance to allow the  
47 expansion of a non-conforming structure at 45 School St (Tax Map 107, Lot 113), as set forth above and  
48 per testimony, plans, and materials submitted, and per the following conditions:

1 1. The applicant shall obtain a building permit and a certificate of occupancy.

2  
3 *Seconded by Mr. Nash.*

4  
5 **Roll Call Vote**

6 *Mr. Katz, Mr. Patterson, Mr. Nash, Vice Chair Mercer, and Chair Koppenheffer all voting Yea.*

7 *None voted Nay.*

8 *\*The Vote on the Motion was unanimously approved (5-0).*

9  
10 **B. JOHANNA CICOTTE, 30 LITTLE HEATER ROAD (Tax Map 78, Lot 61), zoned**  
11 **IND-L:** Applicant proposes to remove the existing buildings and to construct a new building  
12 for a proposed car wash use. Applicant requests a Variance from Article III, Section 303.3 of  
13 the Zoning Ordinance to allow the new building to be located 20 ft. from the front lot line  
14 where a minimum of 40 ft. is required. **#ZB2020-13-VAR**

15  
16 **Mr. Nash recused himself from this hearing.**

17  
18 **Mr. Katz and Mr. McDonough were appointed to sit on this hearing.**

19  
20 No additional testimony was received by the Zoning Administrator regarding this application.  
21 Additional materials have been submitted by the applicant.

22  
23 Barry Schuster appeared on behalf of the application. In answer to questions from the last meeting,  
24 this service is for the dealership and its customers only. There would be four bays for washing and  
25 detailing vehicles, a storage area for vehicles, supplies, bathrooms and facilities for employees. There  
26 would be parking for employees and customers. The applicants believe placing the building further  
27 away from the wetlands is more desirable and the only traffic would come from the adjacent property.  
28 The current house that is there is a non-conforming use and a car wash is another conditional  
29 nonconforming use in that zone.

30  
31 The setback has to be approved by the Zoning Board before this application is brought to the Planning  
32 Board. The conditional use and the size of the building would be evaluated by the Planning Board.

33  
34 The distance from the proposed building to the stream was discussed. There has not been any  
35 testimony regarding the required distance between the building and the wetlands. The benefit of  
36 moving the building forward has been presented as an opinion. Mr. Schuster replied, according to the  
37 plan, the building would be at the most 30 feet away from the stream. Construction equipment would  
38 be closer to 25 feet from the wetlands. Mr. Nash spoke on behalf of the applicant. The building was  
39 planned at least 10 feet away from the wetland and an additional 10 feet around the building are  
40 needed for construction. Therefore, they are asking for the variance in order to protect the wetlands.  
41 There is not any evidence that this is a hardship.

42  
43 Mr. Corwin highlighted the proposed building on the design that was submitted by the applicant.  
44 The Board reviewed the site plan. They discussed the implications of moving the building back  
45 closer to the stream and how that could affect the construction of the building and the access to the  
46 parking lot from the building. The applicant stated that according to the engineered plan, making a  
47 jog between the building and the parking would make the building less effective. The Board thought  
48 the building could be moved back and still access the parking.

49

1 The Board discussed the impact of the high-water flow in the Spring and the affect the water would  
2 have on the building. Every year this area floods to some point and mitigating this for the building is  
3 a good idea. Mr. Schuster stated that the stream has flooded into the parking lot of the dealership and  
4 high water has been a problem in the past. This little brook does not have a flood line on the map.  
5 The reason to move the building would be to prevent any potential hazards from the stream in the  
6 future.

7  
8 The Board had no additional questions or comments.

9 No one from the public had any additional questions or comments.

10  
11 **Hearing no additional comments from the public, Chair Koppenheffer closed the Public**  
12 **Hearing.**

13  
14 The Board would like the site plan to clearly show the details that show a hardship, the distance  
15 between the front lot line and the back of the proposed building, and the wetland buffer  
16 measurements. They also asked the applicants to show a schematic of the inside of the building and  
17 how the vehicles move from the North side to the exits of the building. Historically, the Board has  
18 been cautious of the wetlands and supported moving away from the wetlands.

19  
20 **Chair Koppenheffer re-opened the Public Hearing.**

21  
22 *Vice Chair Mercer MOVED to continue this hearing until the next meeting, July 6 and request*  
23 *additional information.*

24 *Seconded by Mr. Katz.*

25  
26 The applicants were asked to provide the dimensions of the lot with respect to the brook and the flood  
27 plain area and the wetlands as well as the floor plan and traffic flow plan within the building to show  
28 why it cannot be shifted 20 feet back from the property with respect to the parking lot.

29  
30 Chair Koppenheffer asked if the request for additional information is clear to the applicant and the  
31 response was yes.

32  
33 **Roll Call Vote**

34 *Vice Chair Mercer, Mr. Katz, and Chair Koppenheffer all voting Yea.*

35 *Mr. Patterson and Mr. McDonough voted Nay.*

36 *\*The Vote on the Motion was approved (3-2).*

37  
38 **C. LEBANON HOUSING AUTHORITY (applicant) and BAYNE STEVENSON (property**  
39 **owner), 258 HEATER ROAD (Tax Map 64, Lot 7), zoned RO-1: Applicant requests a**  
40 **Special Exception pursuant to Article III, Section 311A.2 of the Zoning Ordinance to**  
41 **construct a multi-family dwelling containing 44 dwelling units. #ZB2020-14-SE**

42  
43 **Mr. Katz was appointed voting privileges for this hearing.**

44  
45 No additional testimony was received by the Zoning Administrator regarding this application.  
46 Additional materials have been submitted by the applicant.

47  
48 Megan Carrier, Jeff Merritt, Jerry Wuebbolt and Ditha Alonso appeared on behalf of the application.

49

1 Jeff Merritt spoke to the Board regarding the changes based on comments from the last meeting that  
 2 have been submitted this week. Mr. Merritt reviewed the allowed use in this Zone, restating why it is  
 3 a special exception. He spoke of the screening of the parking lot required in the special exception and  
 4 how they intend to comply with that requirement. It is reflected on the site plan showing the existing  
 5 vegetation and the enhanced screening along the access drive for the clinic that borders the  
 6 applicant's property. They also addressed the existing bus stop. Last time they proposed upgrading  
 7 the bus stop and adding a walkway to the building. The Board was concerned that the orientation of  
 8 the bus stop would inhibit traffic flow. The applicants consulted with Advance Transit and the  
 9 alternatives to resolve the safety issues brought up by the Board. They are proposing a bus turn out to  
 10 get the bus out of the traffic lane to load and unload bus patrons. The revised design is supported by  
 11 Advance Transit.

12  
 13 Attorney Carrier commented on the affordability and the need for housing at the price point that this  
 14 housing would be. Recent research showed 98.3 of all available units are occupied in the area. She  
 15 outlined the rents of studios and apartments in the area. Although the precise numbers to determine  
 16 the rent are not available, Ditha Alonso commented on how the rent could be calculated. They work  
 17 with many programs for affordable housing, including the low-income tax credit program and the  
 18 HUD programs that are intended to encourage low and affordable rents. There are several programs  
 19 that could support this project through HUD that restrict the rent and keep the units affordable. There  
 20 are layers of subsidies available for this project. There are less than 1% empty vacant rental units in  
 21 Lebanon.

22  
 23 The Chair asked if anyone from the Public had any additional comments or questions.

24 **Hearing no additional comments, the Public Hearing was closed.**

25  
 26 The Board clarified that it is not a requirement that the rent be affordable in order to have a special  
 27 exception. They addressed the trip generation study done by Mr. Merritt where he concluded that the  
 28 number of trips would be relatively benign. Although there are 44 units, the traffic at peak times  
 29 would not be significant compared to other purposes such as a financial institution. They are  
 30 confident there would be no adverse effect on traffic in the area.

31  
 32 *Mr. Katz MOVED On June 1, 2020 and June 15, 2020, at duly-noticed meetings of the Lebanon*  
 33 *Zoning Board of Adjustment, there appeared Ditha Alonso of the Lebanon Housing Authority,*  
 34 *Megan Carrier, Esq., Jeffrey Merritt, P.E., and Jerry Wuebbolt on behalf of LEBANON*  
 35 *HOUSING AUTHORITY (applicant) and BAYNE STEVENSON (property owner), regarding 258*  
 36 *HEATER ROAD (Tax Map 64, Lot 7), zoned RO-1. Applicant requests a Special Exception*  
 37 *pursuant to Article III, Section 311A.2 of the Zoning Ordinance to construct a multi-family*  
 38 *dwelling containing 44 dwelling units. #ZB2020-14-SE*

39  
 40 **I. FINDINGS OF FACT**

41 Based on testimony given, application materials presented, and supporting documents submitted, the  
 42 Lebanon Zoning Board of Adjustment makes the following findings of fact:

- 43 1. The property is a +/-3.37-acre vacant parcel of land at the corner of Old Etna Road and Heater  
 44 Road, located adjacent to the DHMC Heater Road offices and across the street from the Lebanon  
 45 High School. The access driveway to the DHMC Heater Road facility abuts the subject property to  
 46 the north.

47

- 1     2.     As shown on the survey submitted as part of the application materials, the wetlands were recently  
2           delineated on the property and were found to be significantly less extensive than indicated on the  
3           City’s on-line GIS mapping program.  
4
- 5     3.     The applicant proposes to construct a multi-family dwelling building containing 44 units together  
6           with associated parking and other related site improvements. A preliminary sketch of the proposed  
7           site layout was included with the application materials.  
8
- 9     4.     “Multi-family dwelling (5 dwelling units or more) per Section 601” is a use permitted by Special  
10           Exception in the R-O-1 District per §311A.2 of the Zoning Ordinance, provided that the  
11           development complies with the requirements set forth in §601 (“Special Design Standards”) of the  
12           Zoning Ordinance. Appendix A of the Zoning Ordinance defines “multi-family dwelling” as “[a]  
13           dwelling designed for or occupied by three or more families, with the number of families in  
14           residence not exceeding the number of dwelling units provided.”  
15
- 16    5.     In order to grant a Special Exception for the proposed multi-family dwelling, the Board must  
17           determine that the proposal meets the criteria set forth in §601 (“Special Design Standards”) of the  
18           Zoning Ordinance, and the general Special Exception criteria set forth in §801.3.  
19
- 20    6.     The applicant submitted testimony addressing the §801.3 and §601 criteria in an application  
21           received by the Planning & Development Department on May 18, 2020.  
22
- 23    7.     Alice Dansby, a Lebanon resident, questioned whether the proposed housing units would meet the  
24           needs of low-income individuals and the general needs of the community.  
25
- 26    8.     On or about June 8<sup>th</sup>, 2020 the Applicant submitted a trip generation analysis completed by Jeffrey  
27           Merritt, a professional engineer duly licensed by the State of New Hampshire based upon Land Use  
28           Code 221, Mid-Rise Multifamily Housing that estimated that the apartment complex developed as  
29           proposed would generate an estimated 274 net new trips per day, with less than 15% of them being  
30           during peak hours. The conclusion of the expert report submitted was that the introduction of the  
31           new complex would not significantly impact traffic operations at nearby intersections.  
32
- 33    9.     On the knowledge and belief of at least one member of the Board, financial institutions with drive  
34           through facilities typically perform between 250 and 500 transactions per day, whether through  
35           their drive through windows, ATMs, or in-person service.  
36
- 37    10.    At the June 15<sup>th</sup>, 2020 hearing an updated presentation was provided by Jeffrey Merritt describing  
38           additional screening of the parking area from roads and abutting properties, including the proposed  
39           addition of screening along the access road that serves the Dartmouth Hitchcock Heater Road  
40           facility. Additionally, in response to a Board Member’s concern expressed at the June 1<sup>st</sup> public  
41           hearing, Mr. Merritt’s presentation additionally proposed the construction of a new bus shelter and  
42           bus turnout.  
43

44    **II.    CONCLUSIONS OF LAW**

45    As a result of the above findings of fact and based on testimony given, application materials presented,  
46    and supporting documents submitted, the Board concludes the following with respect to the Special  
47    Exception criteria set forth in §801.3 of the Zoning Ordinance:

- 48    1.     The Special Exception is specifically authorized by §311.A of the Zoning Ordinance. (§801.3.A)



- 1 2. The following applicable special conditions/requirements of §601 of the Zoning  
 2 Ordinance **are** met (§801.3.B):  
 3

4 601.2 Parking & Access. Adequate off-street parking shall be provided on the lot.  
 5 *The development will include 69 parking spaces, three (3) more than the minimum*  
 6 *required pursuant to Section 607.1 of the Zoning Ordinance.* Such parking:  
 7

- 8 A. Shall not occupy the front yard; and  
 9 B. Shall be screened from abutting properties.  
 10

11 601.3 Coverage. Impermeable coverage plus unpaved parking and driveway areas  
 12 shall not exceed 65 percent of the lot area. *The proposed development will result in +/-*  
 13 *32.9% of impervious coverage, less than the 65% maximum allowed.*  
 14

15 601.4 Density. [New] construction of multi-family shall comply with the zoning  
 16 district requirement for "Additional Area Per Dwelling Unit After Two." *The proposed*  
 17 *44-dwelling units complies with the R-O-1 District density requirements which allow up*  
 18 *to 47 dwelling units on the subject property per Section 311A.3 of the Zoning Ordinance.*  
 19

- 20 3. There **are no** existing violations of the Zoning Ordinance on the property that the granting of the  
 21 Special Exception would not remedy. (§801.3.C) *Staff is not aware of any Zoning Ordinance*  
 22 *violations on the property.*  
 23

- 24 4. The character of the area **will not** be adversely affected. (§801.3.D)  
 25

26 Multifamily housing is specifically authorized in the R-O-1 district and the density of the  
 27 development is appropriate pursuant to the requirements of the Ordinance.  
 28

- 29 5. **No** hazard or nuisance will be created. (§801.3.E)  
 30

- 31 6. The capacity of existing or planned community facilities and services (including streets and  
 32 highways) **will not** be adversely impacted. (§801.3.F)  
 33

- 34 7. The granting of the Special Exception **will not** result in undue municipal expense. (§801.3.G)  
 35

36 Applicant testified that the project would not apply for tax exemption status. There are no other  
 37 factors indicating an undue Municipal expense.  
 38

- 39 8. The proposed Special Exception **will** be developed in a manner compatible with the spirit and intent  
 40 of the ordinance. (§801.3.H)  
 41

- 42 9. The general welfare of the City **will** be protected. (§801.3.I)  
 43

44 **III. DECISION**

45 Now therefore be it resolved, the Lebanon Zoning Board of Adjustment, on this **15<sup>th</sup> day of June, 2020**,  
 46 hereby **GRANTS** the requested Special Exception per Section 311.A of the Zoning Ordinance to allow  
 47 the construction of a multi-family dwelling at 258 Heater Road (Tax Map 64, Lot 7), as set forth above  
 48 and per testimony, plans, and materials submitted, and per the following conditions:

- 1 1. The applicant shall obtain site plan approval from the Planning Board, a building permit, and a  
2 certificate of occupancy; shall pay an impact fee pursuant to §213 of the Zoning Ordinance; and shall  
3 comply with all applicable local, state, and federal regulations in the construction and use of the  
4 proposed building.  
5
- 6 2. The applicant shall construct the bus stop and shelter substantially in compliance as shown on the  
7 submitted plans, subject to review and approval by the Planning Board.  
8
- 9 3. The applicant shall complete the installation of landscaping substantially in compliance with the  
10 submitted plans, subject to review and approval by the Planning Board.  
11

12 *Seconded by Mr. Patterson.*

13  
14 **Roll Call Vote**

15 *Mr. Katz, Mr. Patterson, Mr. Nash, Vice Chair Mercer and Chair Koppenheffer all voting Yea.*

16 *None voted Nay.*

17 *\*The Vote on the Motion was unanimously approved (5-0).*

18  
19 **4. PUBLIC HEARINGS – NEW**

- 20 **A. ADAM & SHEENA YOUNGMAN, 8 ORA AVE (Tax Map 90, Lot 4), zoned R-3:**  
21 Applicant requests a Variance from Article III, Section 310.3 of the Zoning Ordinance to  
22 construct a 12 'X 20' shed to be located +/-8 ft. from the side lot line, where a minimum side  
23 yard of 15 ft. is required. #ZB2020-15-VAR  
24

25 **Mr. McDonough was appointed as a regular member for this hearing.**

26  
27 Adam and Sheena Youngman appeared on behalf of the application. They would like to add a shed  
28 on the back corner of their property. It does not meet the 15 feet setback, but the location they chose  
29 is the only place that makes sense on the property. In any other location it would be in the middle of  
30 the yard or against a hill that would require constructing an expensive retaining wall. The applicants  
31 stated that the neighbors support the location of the shed. Moving the shed seven feet closer would  
32 use the only flat piece of land in their yard and put the shed in the middle of the yard. They would  
33 like to keep it the flat for use by the family.  
34

35 Looking at a topography map, it is not apparent that there is a steep hill on the property. The shed  
36 looking out of place does not satisfy the criteria for a hardship. The shed has already been dropped.  
37 It is moveable by movers for an excessive expense. When the approval of the Building Permit was  
38 taking more than a few weeks, Leann Cushman from the Planning Board advised the applicants to  
39 drop the shed that was scheduled for delivery, instead of postponing the delivery, and wait for the  
40 variance. If the shed is moved, they would also have to pay for a new pad for the shed and an  
41 extension of the driveway to the new location. The applicants were informed that appearances and  
42 expenses are not reasons for a hardship exception. Hardship means that the property cannot be used  
43 as it is and that creates a hardship.  
44

45 Chair Koppenheffer commented that he looked at the lot, and he agreed that the only place that makes  
46 sense is where they put it. On this avenue, most of the houses encroach on one another. The slope is  
47 much less severe on the west side of the lot and he believes there is a hardship. He suggested that the  
48 other Board members look at the property and the surrounding area before the next meeting.  
49

1 **Chair Koppenheffer opened the Public Hearing.**

2

3 There were no Public comments at this time.

4

5 *Mr. Nash MOVED to continue this hearing until the next meeting, July 6, 2020.*

6 *Seconded by Mr. McDonough.*

7

8 **Roll Call Vote**

9 *Mr. McDonough, Mr. Patterson, Mr. Nash, Vice Chair Mercer and Chair Koppenheffer all voting Yea.*

10 *None voted Nay.*

11 *\*The Vote on the Motion was unanimously approved (5-0).*

12

13 **5. STAFF COMMENTS**

14

15 Mr. Corwin presented a revised draft of the Zoning Board meeting schedule. It is anticipated that these  
16 meetings will continue online until City Hall is relocated back to the City Hall building. The schedule  
17 would include 2 meetings every month. Normally, new applications come in on the third Monday for the  
18 first Monday. With a published schedule like this, new hearings would come in for each meeting. It is  
19 hard to tell someone there is not enough time to get on the agenda if there is time to do so.

20

21 **Mr. Katz was appointed voting privileges for this motion.**

22

23 *Mr. Nash MOVED to adopt the revised Zoning Board calendar.*

24 *Seconded by Chair Koppenheffer.*

25

26 **Roll Call Vote:**

27 *Mr. Katz, Mr. Patterson, Mr. Nash, Vice Chair Mercer, and Chair Koppenheffer all voting Yea.*

28 *None voted Nay.*

29 *\*The Vote on the Motion was unanimously approved (5-0).*

30

31 **6. ADJOURNMENT**

32

33 *Mr. Patterson MOVED to adjourn the meeting at 8:57 PM.*

34 *Seconded by Vice Chair Mercer.*

35

36 **Roll Call Vote:**

37 *Mr. Patterson, Mr. Katz, Mr. Nash, Vice Chair Mercer, and Chair Koppenheffer all voting Yea.*

38 *None voted Nay.*

39

40 *\*The Vote on the Motion was unanimously approved (5-0).*

41

42 Respectfully Submitted,

43 Linda Billings

44 Recording Secretary