

LINCOLN ZONING BOARD OF ADJUSTMENT (ZBA)
NOTICE OF HEARING ON REQUEST FOR EQUITABLE WAIVER OF
DIMENSIONAL REQUIREMENTS & VARIANCES
WEDNESDAY February 15, 2023 at 6:00 PM

*Hybrid meeting available both in person with social distancing & masks & via Zoom Meeting Platform to allow for town wide participation. A quorum of the Planning Board member must be physically present at the meeting. Although there is space in the large conference room for 8-12 guests in addition to the Board members with social distancing, the public is encouraged to participate remotely using ZOOM.

Join Zoom Meeting

<https://us02web.zoom.us/j/81700766161?pwd=WUFKR2N1Zk9xSzI1bVFPRWVzbyt4UT09>

Meeting ID: 817 0076 6161

Passcode: 179696

Find your local number: <https://us02web.zoom.us/j/81700766161?pwd=WUFKR2N1Zk9xSzI1bVFPRWVzbyt4UT09>

Or dial by your location 1-929-205-6099 US (New York)

(See also town website www.lincolnnh.org for same link, meeting ID and passcode.)

Notice is hereby given a ZBA hearing will be held in Conference Room of Town Hall, 148 Main Street, Lincoln, NH, & via ZOOM concerning a request by Appellant Mark Ayvazian, 44 Ashwood Avenue, Wilmington, MA 01887, for an **Equitable Waiver Of Dimensional Requirements & a Variance** for his property at 170 Black Mountain Road (Map 130, Lot 099) concerning Article VI (District and District Regulations), Section B (District Regulations), Paragraph 2 (Land Use Schedule), Paragraph 4 (Dimensional Chart) of the Land Use Plan Ordinance (LUPO).

Appellant: Mark Ayvazian, 44 Ashwood Avenue, Wilmington, MA 01887

Property Owner: Mark & Lynne Ayvazian, 44 Ashwood Avenue, Wilmington, MA 01887

Property: Subject lot is part of Beechwood II, part of an active HOA, that is not registered. The lot is 170 Black Mountain Road (Map 130, Lot 099). Size: 0.65 acres. Mountain Residential (MR) District.

LUPO: In the MR District the front, side & rear setbacks are 25 feet from the property boundary line. A retaining wall greater than four feet in height, measured from grade at the bottom of the wall to the top of the wall is defined as a “structure”. No “structure” is permitted within the setback areas.

Requests are for the ZBA to grant:

1. An **Equitable Waiver of Dimensional Requirements** to allow the existing retaining walls erected in 2002 or earlier, located on both sides of the driveway into the lot, portions of which are in excess of four feet (4') in height and located partially within the 25-foot east and west side setback areas to remain. The violation by previous owners occurred when the walls were constructed to support the driveway to the house that was constructed in 2002. The portions of the LUPO pertaining to retaining walls was not in the LUPO in 2002. No enforcement action has been taken in 21 years.
2. A **Variance** to allow a proposed permanent outdoor fire pit structure within the west side 25-foot west side setback area. The patio for seating surrounding the patio will be crushed gravel and does not qualify as a “structure” under the LUPO so no variance is required for the patio.