



PLANNING & ZONING
DEPARTMENT

ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING AGENDA
Wednesday, December 21, 2016 – 6:00PM
Lincoln Town Hall, 148 Main Street, Lincoln NH

I. **CALL TO ORDER** by the Chairman of Zoning Board of Adjustment; announcement of excused absences, if any, and seating of alternates(s), if necessary.

II. **CONSIDERATION** of meeting minutes from:

- December 8, 2016

III. **CONTINUING AND OTHER BUSINESS** (Staff and Planning Board Member/Alternates).

A. **6:00 PM.** Lincoln Zoning Board of Adjustment (ZBA) **Request for an Equitable Waiver of Dimensional requirements or a Variance** per RSA 676:5,ii(b)

1. **Case #:** 2016 ZBA AA 2016-04
2. **Location:** 120 Black Mountain Road
(Tax Map 130, Lot 103)
Mountain Residential (MR) District
3. **Applicant & Agent for Property Owners:**
Surveyor Gardner Kellogg
254 Manns Hill Road
Littleton, NH 03561
4. **Property Owner:** Dennis G. & G. Joy Burk
117 Tyson Drive
Berryville, VA 22611

Applicant Surveyor Gardner Kellogg of 254 Manns Hill Road, Littleton, NH 03561, on behalf of property owners Dennis G. & G. Joy Burk of 117 Tyson Drive, Berryville, VA 22611, requests either **an Equitable Waiver of Dimensional Requirements or a Variance** from the zoning ordinance called the Land Use Plan Ordinance (LUPO), Article VI (District and District Regulations), Section B (District Regulations), Paragraph 2 (Land Use Schedule) “Dimensional Chart” to allow a building within the 25’ setback area. The subject property is 120 Black Mountain Road (Tax Map 130, Lot 103). The lot is located in the Mountain Residential (MR) District. The violation took place in 2009 when the property owners, after receiving a Building Permit from the Town, put an addition onto the back of the house that intruded about 10 feet into the setback area. The site plan attached to the application had what appeared to be a setback line on it, but had no measurements. The setback line on the site plan submitted was 15’ instead of 25’ from the boundary line. The violation has existed for 7 years with no enforcement action, including written notice, being commenced by the Town. The nonconformity was discovered by an agent hired by the bank just prior to an anticipated transfer to a bona fide purchaser. The property is subject to a purchase and sale agreement.

ACTION: Upon a finding by the ZBA that the application meets the submission requirements, the ZBA may vote to accept the application for an Administrative Appeal as administratively complete.

ACTION: The ZBA may conduct a public hearing, or schedule a public hearing at some future date established during this meeting.

ACTION: The Zoning Board will vote to approve, approve with conditions or disapprove the application. Should a decision not be reached at the public hearing, this application will stay on the ZBA agenda until such time as it is either approved or disapproved

IV. **NEW BUSINESS**

V. OTHER BUSINESS – ZBA members/alternates, Zoning Board Staff

VII. PUBLIC PARTICIPATION AND OTHER BUSINESS: Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Zoning Board of Adjustment will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

VIII. ADJOURNMENT

