

PLANNING & ZONING DEPARTMENT

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AGENDA

Wednesday, May 1, 2024 – 6:00PM

Lincoln Town Hall, 148 Main Street, Lincoln NH

*Hybrid meeting available both in person & via Zoom Meeting Platform to allow for town wide participation. A quorum of Planning Board members must be physically present at the meeting. Zoning Board Meetings can be attended in-person at the Town Hall Building. Recordings of all Zoning Board meetings can be found at www.youtube.com Zoom access is for your convenience; use at your own risk. If any technical difficulties or if ZOOM should go down, the meeting will NOT be rescheduled.

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/u/kblNuPaMIG>

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.)

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:

- April 3, 2024 (Present: Acting Chair Jack Daly, Member Delia Sullivan, and Alternate Susan Chenard appointed as a regular voting member) (*Minutes not completed yet.*)
- April 17, 2024 (Present: Chair Ray D'Amante, Member Jack Daly, Member Delia Sullivan, Alternate as Acting Member Jonathan Ham, Member Myles Moran (via Zoom)) (*Minutes not completed yet.*)

III. CONTINUING BUSINESS (Staff and Zoning Board Member/Alternates).

1. **Var 2024-01 M112 L072 George Sourgiadakis d/b/a Ice Cream Delights – Rear west corner of existing building is in the 15-foot rear setback; proposed addition is in 15-foot rear setback area in Village Center (VC) District; & Appellant does not want to be required to submit a survey with application for variance OR application for Land Use Permit.**

Request for:

- (1) **EQUITABLE WAIVER of DIMENSIONAL REQUIREMENTS;**
- (2) **VARIANCE;** and
- (3) **WAIVER OF Survey Requirement**

Concerning Article VI District and District Regulations, Section B District Regulations, Paragraph 2 Land Use Schedule, Paragraph 4 (Dimensional Chart) of the zoning ordinance known as the Land Use Plan Ordinance (LUPO) by Appellant George Sourgiadakis d/b/a Ice Cream Delights, at 73 Main Street, for his property at 73 Main Street (Map 112, Lot 072).

Appellant & Property Owner: George Sourgiadakis
d/b/a Ice Cream Delights
73 Main Street
PO Box 701
Lincoln, NH 03251-0701

Subject Property: 73 Main Street (Map 112, Lot 072). Lot Size: 0.13 acres. Village Center (VC) District. Appellant also owns the two closest two abutting lots: (1) 75 Main Street [Map 112, Lot 018] and (2) Franklin Street #LO [Map 113, Lot 017] that would be most impacted by the proposed project.

LUPO: In the Village Center (VC) District the rear setback requirement is fifteen feet (15') from the property boundary line. No "structure" is permitted within the setback areas. The proposed attached shed is a "structure" and would encroach approximately eleven feet (11') into the fifteen foot (15') rear setback area and be approximately four feet (4') from the rear property boundary line.

Requests are for the ZBA to grant:

1. An **Equitable Waiver of Dimensional Requirements** to allow the existing ice cream store structure that was erected in 1960, prior to the adoption of the zoning ordinance in 1986, and that currently encroaches approximately one or two feet into the fifteen foot (15') rear setback areas to remain. There was no violation by previous owners when the building was constructed because there was no zoning in effect. No enforcement action has been taken in 38 years.
2. A **Variance** to allow a proposed (24' 4 1/2" X 10') shed with a refrigerator unit in it within the fifteen foot (15') rear setback area.
3. A **Waiver** of any usual requirement to provide a survey to show the exact measurements on the lot and the buildings on the lot when requesting a variance to put structures within the setback areas.

Authorized Agent, James Spanos, had a partial hearing on behalf of the Applicant and then asked for a continuance for another month for the hearing to be continued to Wednesday, April 3rd, 2024 at 6:00 PM. Due to blizzard conditions on April 3rd, the hearing was continued to Wednesday, April 17th, 2024 at 6:00 PM. On April 17th, partial hearing, with hearing continued to May 1, 2024.

III. NEW BUSINESS (Staff and Zoning Board Member/Alternates).

A. **Var 2024-04 M114 L078-05-49 to 60 (Building 5) and M114 L078-06-61 to 72 (Building 6), David Yager d/b/a Madjah, LLC- Property is in General Use (GU) District and is accessible via private roads within the Forest Ridge Resort.**

Approved buildings plan was for all six (6) buildings to be identical with slab on grade foundations. Per the existing approved plan, two (2) 3-story 12-unit Residential Multi-Family Housing condominium buildings on common land around private road Twin Tip Terrace (E911 numbers not assigned yet) are yet to be constructed:

1. Building #5 (Map 114, Lot 078-05-49 to 60; and
2. Building #6 (Map 114, Lot 078-06-61 to 72).

Request for a Variance: 2 properties – two (2) three-story 12-unit Residential Multi-Family Housing condominium buildings on Twin Tip Terrace concerning:

Article VI (District and District Regulations), Section B (District Regulations), Paragraph 2 (Land Use Schedule), Paragraph 7 (HEIGHT REQUIREMENTS) of the Land Use Plan Ordinance (LUPO).

In **General Use (GU) District** the following height requirements apply:

1. The maximum structure height shall be thirty-five (35) feet measured from the primary eaves on the uphill side of the structure. (It still meets this requirement.)
2. There shall be no more than four (4) floors used as living space above or below ground as measured through any vertical plane of the building.

Variance request is to allow five (5) floors to be used as living space above or below ground level as measured through any vertical plane of the buildings for Building #5 and #6. If a variance is granted, these two (2) buildings would become two (2) 5 story 12-unit Residential Multi-Family Housing Condominium Buildings on common land.

Subject Property: Two (2) 12-unit Residential Multi-Family Housing condominium buildings on common land around Twin Tip Terrace (E911 numbers not assigned yet): (1) [Building #5 [Map 114, Lot 078-05-49 to 60] and (2) Building #6 [Map 114, Lot 078-06-61 to 72]].

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

A. Review ZBA Rules of Procedure to review/revise, if needed.

VI. 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 ZBA will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

VII. ADJOURNMENT

