

**TOWN OF HENNIKER
ZONING BOARD OF ADJUSTMENT**

Approved Minutes
April 21, 2010

Members Present: Doreen Connon, Chairwoman; Joan Oliveira, Vice-Chairwoman; Bob Stamps; Jeff Connor; Bruce Trivellini, Alternate;

Members Excused: Gigi Laberge; Roni Hardy, Alternate

Others Present: Mark Fougere, Town Planner; Ethan Forns; Ian Johnson; Jennifer Astholz, Recording Secretary

Chairwoman Connor called the meeting to order at 7:00 pm.

Public Hearings:

Case 2010-02: Mr. Ethan Forns, Applicant & Owner. The Applicant has submitted a request for a Special Exception under Article V, Section 133-22 A to expand an existing home rental operation from two apartments to three apartments. (There is presently a unit occupied by the homeowner and two apartments on this property.) The property lies at 9 Park Street, Map 2 Lot 449 and is Zoned RV Village Proper District. This was tabled at the March 17, 2010 meeting.

Chairwoman Connor and Vice-Chairwoman Oliveira verified the abutters' notices. It was noted that a full board would be hearing the case this evening. Chairwoman Connor stated that the applicant currently owns a home rental that currently has two rental units and he lives in the third; he is requesting to add a third rental unit.

Mr. Ethan Forns, applicant, reviewed the written application with the Board. He stated that he is requesting to add a one-bedroom unit in the attic space. He described two staircases and parking improvements that would be made to accommodate the addition. He stated that he is looking to add a turn-around and assigned parking spaces for eight to ten cars.

Bob Stamps verified that none of the driveway/parking upgrades would go into the setback areas. He also stated that the actual development will not cause any increased noise problems, but questioned the addition of another tenant. Mr. Forns stated that he has not had any problems with the current tenants and has no reason to believe that adding one more would cause a problem.

Bruce Trivellini stated that the application requests six to eight parking spaces, but the applicant verbally described eight to ten spaces. It was determined that the applicant needs a minimum of eight spaces for his plans. Mr. Stamps suggested including the request for eight to ten parking spaces as a condition of approval.

There was discussion about the two new stairwells that will be added which will be enclosed. Mr. Forns stated that future changes will be made to the second-floor egress.

Chairwoman Connor opened the public hearing at 7:10 pm.

Ian Johnson asked if the application is accurate or if he should be requesting a change from three units to four units. Chairwoman Connor explained that this is correct due to the RV zoning. If the applicant did not live there, it would be treated differently. There was discussion about enforcing zoning ordinances when violations are found.

Chairwoman Connor stated that they are considering an application for three rental units with the owner living in the fourth unit. She stated that this is allowed by Special Exception in the RV district; however, the ordinance may differ in other zones. If the applicant decided to move out and rent the fourth unit, he would have to come back to the ZBA to apply for a variance. Mr. Fougere stated that a home rental ordinance is in place to accommodate renting space in large houses. A multi-unit development may be allowed by special exception or a variance with different criteria.

Mr. Johnson thanked the Board for explaining the ordinance.

Chairwoman Connor closed the public hearing at 7:16pm.

Mr. Fougere stated that should the Board approve the application, there is a 30-day appeals period; however, the applicant could apply for a building permit.

Mr. Stamps **MOVED** to approve the Special Exception requested in Case 2010-002 with the condition that at least eight parking spaces are provided. Jeff Connor **SECONDED** the motion. Motion **PASSED, 5-0.**

Review and Approve March 17, 2010 Meeting Minutes

The minutes of the March 17, 2010 meeting were reviewed and corrected. Mr. Trivellini **MOVED** to approve the minutes as corrected; Mr. Stamps **SECONDED** the motion. Motion **PASSED, 5-0.**

The meeting was adjourned at 7:22 pm.

Respectfully submitted,

Jennifer Astholz
Recording Secretary