

TOWN OF NEW DURHAM
ZONING BOARD of ADJUSTMENT
July 12, 2022, 7:00PM
New Durham Town Hall
APPROVED OCTOBER 12, 2022

PRESENT

Terry Jarvis, Chair
Wendy Anderson, Vice Chair
Linda Callaway, member
David Bickford, member

ALSO PRESENT

Robin McClain, Land Use Administrative Assistant
Tom Varney, Varney Engineering, LLC
Eugene Dean, via Zoom
Brenda Mullaney, applicant
Michael Mullaney, applicant
Erik Dodier, applicant
Rachel Dodier, applicant
Sean O'Brien, applicant
Margaret O'Brien, applicant
Don Roberts, representative for applicants
Monica Kieser, representative for applicants

CALL TO ORDER

Chair Jarvis called the meeting to order at 7:00PM.

Review and Acceptance of Case #2022-006

Application submitted by Varney Engineering, LLC, on behalf of The Mullaney Family 2018 Revocable Trust, Brenda and Michael Mullaney – Trustees, for property located at 32 Elly Point Road, Map 111 Lot 8.

The applicants are requesting Variances to:

Article XIV Section C.2: Dimensional Requirements All development within the Shorefront Conservation Overlay District, whether on conforming or non-conforming lots, shall meet the following requirements: Building Setback: Except for water related structures, all buildings shall be set back a minimum of seventy-five feet from the reference line.

Article XIV Section C.3: Dimensional Requirements All development within the Shorefront Conservation Overlay District, whether on conforming or non-conforming lots, shall meet the following requirements: Leach Field Setback: Any leach field shall be set back a minimum of

125 feet from the reference line. The Planning Board may require greater setback where more than one dwelling unit uses common sewage disposal facilities

Chair Jarvis asked if any member of the Board has a real or perceived conflict with hearing this case. None was indicated.

Chair Jarvis asked if any member of the public believes a Board member has a real or perceived conflict with hearing this case. None was indicated.

Chair Jarvis stated Case #2022-003 was heard at the June 3, 2022 meeting; it was determined at that time the application was not complete as two additional variances were required. The applicant chose to go forward and special exceptions were granted to Article XIII, Section G, and variances granted to Article V, Section, E, Article VI, C.3A1, Article VI, C.3A2, Article XIV, Section C8 and Article XXI, C.2; conditions included that the additional variances be requested. The Board reviewed the application for completeness.

Motion: *The application for Case #2022-006 is complete.* Motion by Chair Jarvis. Seconded by Mr. Bickford. **Roll Call Vote: Vice Chair Anderson -aye; Ms. Callaway – aye; Mr. Bickford-aye; Chair Jarvis- aye. Motion passed, 4-0-0.**

Review and Acceptance of Case #2022-007

Application submitted by Varney Engineering, LLC, on behalf of The O'Brien Revocable Trust, Sean and Margaret O'Brien – Trustees, for property located at 324 South Shore Road, Map 113 Lots 38 and 39.

The applicants are requesting a Special Exception to:

Article XIV Section G: *Deviations from the requirements of this Article may be permitted by Special Exception. Such a Special Exception is required in addition to any other relief which may be required herein, such as a Conditional Use Permit. Special Exceptions granted under this Article for one or two family homes shall be exempt from the requirements of Article VII. Other uses listed in Table 4. in Article VII must comply with the requirements of Article VII. The Zoning Board of Adjustment shall grant a Special Exception if all of the following requirements are met:*

1. *The proposed use must otherwise be allowed in this Shorefront Conservation Overlay District.*
2. *The proposed use will not reduce water quality in the adjacent water body measured by methods such as increased stormwater runoff and increased phosphorus and nitrogen runoff.*
3. *The structure is proposed to be moved as far back from the reference line as possible.*
4. *Property values in the district will not be reduced.*
5. *The use will not place excessive or undue burden on Town services and facilities.*
6. *The proposed use or structure is consistent with the spirit of this Article as described in paragraph XIV.A.1 above.*

The applicants are seeking to add an addition of 587 square feet onto existing cottage and they are also requesting Variances to:

Article V Section D: Dimensional Requirements for Town of New Durham: Setbacks. No new building shall be less than twenty (20) feet from the road frontage property line of any road or fifteen (15) feet from the property line of an abutter.

Article VI Section C.3(a)(i): General Provisions/Use Regulations for Town of New Durham. General Requirements. No privy, cesspool, septic tank, or sewage disposal area shall be constructed or reconstructed. Less than one hundred twenty-five (125) feet from the edge of a public water body.

Article VI Section C.3.(a)(ii): General Provisions/Use Regulations for Town of New Durham. General Requirements. No privy, cesspool, septic tank, or sewage disposal area shall be constructed or reconstructed. less than seventy-five (75) feet from any well, or from a dwelling other than to which it is appurtenant.

Article VI Section C.3.(b)(i): General Provisions/Use Regulations for Town of New Durham: General Requirements: Sewage Disposal and Leach field Setbacks: No part of a leach field shall be located less than: twenty (20) feet from a property line on a lot less than 80,000 square feet.

Article XIV Section C.2: Dimensional Requirements All development within the Shorefront Conservation Overlay District, whether on conforming or non-conforming lots, shall meet the following requirements: Building Setback: Except for water related structures, all buildings shall be set back a minimum of seventy-five feet from the reference line.

Article XIV Section C.3: Dimensional Requirements. All development within the Shorefront Conservation Overlay District, whether on conforming or non-conforming lots, shall meet the following requirements: Leach Field Setback: Any leach field shall be set back a minimum of 125 feet from the reference line. The Planning Board may require greater setback where more than one dwelling unit uses common sewage disposal facilities.

Article XIV Section C.5: Dimensional Requirements: All development within the Shorefront Conservation Overlay District, whether on conforming or non-conforming lots, shall meet the following requirements: Lot Coverage: Buildings shall not cover more than 15% of the area of a lot. No more than a total of 20% of the lot area, including buildings, shall be covered by impervious surfaces.

Article XIV Section 7.b: Nonconforming Structures: Existing structures may be demolished and rebuilt utilizing the same square footage as the original footprint and may include a foundation and two stories of living space. The new footprint square footage cannot increase, however, the dimensions can be reconfigured.

Article XXI Section C.2: Non-Conforming Buildings, Land or Uses: New Buildings and Structures; Alteration and Expansion of Existing Non-Conforming Uses All non-conforming property may be used for new construction of buildings and/or structures (including septic and leach fields) and any non-conforming building may be altered and expanded provided: Such expansion does not make any existing lot, structure, or use more nonconforming within the terms of this Ordinance.

Article XXI Section G.1.a: Non-Conforming Buildings, Land or Uses: Non-Conforming Setbacks The following setbacks are required for non-conforming buildings, land and uses addressed by this Article: Leach fields: Not less than ten (10) feet from a lot line

Chair Jarvis asked if any member of the Board has a real or perceived conflict with hearing this case. None was indicated.

Chair Jarvis asked if any member of the public believes a Board member has a real or perceived conflict with hearing this case. None was indicated.

The Board reviewed the application for completeness.

Chair Jarvis questioned where the fourth parking spot is located. Mr. Varney stated it is across the street.

Chair Jarvis questioned whether Article V, Section E should be requested. She noted the building and floor plans are not included in the elevations. Chair Jarvis asked if the Board feels they can go forward without these. The Board said no.

Motion: The application for Case #2022-007 is incomplete due to missing the request for Article V, Section E; building and floor plans also need to be submitted. Motion by Chair Jarvis. Seconded by Mr. Bickford. **Roll Call Vote: Vice Chair Anderson -aye; Ms. Callaway – aye; Mr. Bickford-aye; Chair Jarvis- aye. Motion passed, 4-0-0.**

PUBLIC HEARING -Case #2022-004

An application submitted by Varney Engineering, LLC, on behalf of Eugene Dean for property located at Valley Road, Map 257 Lot 1.

The applicant is requesting a Special Exception to:

Article VII Section A.1: Special Exceptions. Dimensional Requirements for Town of New Durham. Uses Permitted by Special Exception: Commercial Use

Chair Jarvis stated additional information was received which indicates the location of the well radius; she stated this is a change of use even though the property is a commercial property.

Chair Jarvis asked if any member of the Board has a real or perceived conflict with hearing this case. Chair Jarvis stated she knows the property owner but she does not know the applicant.

Chair Jarvis asked if any member of the public believes a Board member has a real or perceived conflict with hearing this case. None was indicated.

Chair Jarvis stated the application requests a waiver that the location of the well and the adjacent septic properties be located on the plans. She stated the property is eighteen acres and doesn't believe the adjacent wells and septic systems need to be indicated on the plans.

Motion: To grant the request for the waiver. Motion by Chair Jarvis. Seconded by Vice Chair Anderson. **Roll Call Vote: Vice Chair Anderson -aye; Ms. Callaway – aye; Mr. Bickford-aye; Chair Jarvis- aye. Motion passed, 4-0-0.**

159 Chair Jarvis read the public notice into the record.

160 Chair Jarvis opened the public hearing at 7:22PM.

161 Mr. Varney stated the applicant wants to use the property for indoor storage of carnival
162 equipment; large buildings would be erected for storage, a smaller building for maintenance and
163 trucks and trailers would be stored outside. The buildings would be located in the existing pit
164 area, which would be screened from the road. Mr. Varney stated there would no signage; lights
165 and cameras would be installed for protection from vandalism. The property is located in the
166 Aquifer Protection Overlay Zone and an environmental impact study will be provided.
167 Photographs of the area were presented for review.

168 Mr. Varney explained the Storm Water Management Plan which will include collecting rain off
169 the roofs; he stated the ground is all sand and gravel. He stated they will need to go to the
170 Planning Board for a site plan and a conditional use permit. It was noted the pit was closed
171 sometime in the 1990s. Mr. Bickford questioned whether this pit was grandfathered to be
172 continued; he also asked whether the lot is considered unbuildable. He suggested they check with
173 the Town Engineer. Chair Jarvis stated if the special exception is granted, the Planning Board
174 will require an impact study.

175 Chair Jarvis opened the hearing to input from the public. None was indicated.

176 Chair Jarvis closed the public hearing at 7:45PM.

177 Chair Jarvis stated the Board members hearing and deliberating the case would be Chair Jarvis,
178 Vice-Chair Anderson, Ms. Callaway and Mr. Bickford.

179 *Findings of Fact:*

- 180 • The applicant has submitted a letter from the property owners, giving him permission to
181 submit this application.
- 182 • The property is 18 acres.
- 183 • The lot is in the Aquifer Protection Overlay Zone.
- 184 • The property was previously used for a commercial endeavor, most recently for the storage
185 of wood mulch.
- 186 • The proposed buildings include two 60x200ft storage buildings and one 60x60ft building for
187 repair work. The buildings will not be visible from Route 11 or Valley Road.
- 188 • The proposal is to have approximately 60 trailers stored from October to April.
- 189 • There will be general repairs to the equipment being stored.
- 190 • A new well and septic system will be installed.
- 191 • The environmental impact study has been submitted stating the septic system is equal to a
192 two-bedroom house and the impact is similar to that of a family dwelling.
- 193 • Access to the property is from Valley Road.
- 194 • There will be a maximum of five employees.
- 195 • There will be a 20x20ft concrete pad where equipment will be fueled.

- 196 • There will be no public hours of operation.
- 197 • The proposal needs to go to the Planning Board for site plan approval.
- 198 • The entrance to the property will be paved; there will be a gate at the entrance of the
- 199 driveway.
- 200 • The snow storage will be at the back of the buildings, on the east side of the property.
- 201 • The existing driveway will be widened to 15ft.

202 **Discussion- Special Exception:**

203 According to the "Land Use Suitability Map" what is the designation of the area in question?

204 Chair Jarvis stated per the application, the land is listed as "constrained, developable." It was
205 noted an environmental impact study has been submitted. The Board agreed.

206 This special exception shall not cause undue hazards to- A. The health of other individuals as
207 evidenced by: or B. The safety of other individuals as evidenced by:

208 Chair Jarvis stated there will be five employees on the property. The Board agreed there is no
209 undue hazards.

210 Chair Jarvis stated the property will be secured with lighting, cameras and a gate across the
211 driveway.

212 This special exception shall not diminish the property value of other land owners as evidenced
213 by: Chair Jarvis stated she doesn't see how it would affect the values.

214 This special exemption is not offensive to the public due to:

215 A. Noise as evidenced by: The Board agreed that noise should not be a problem.

216 B. Vibration as evidenced by: The Board agreed it would not be a problem.

217 C. Excessive traffic as evidenced by: The Board agreed there is no evidence that there would be
218 excessive traffic.

219 D. Unsanitary conditions as evidenced by: The Board agreed it would not be a problem.

220 E. Noxious odor as evidenced by: The Board agreed it would not be a problem.

221 F. Smoke as evidenced by: The Board agreed it would not be a problem.

222 G. Other similar reason as evidenced by: The Board agreed there is no other reason.

223 **Motion: Based on the plans dated May 23, 2022, the application signed May 22, 2022 and**
224 **tonight's public hearing, to grant the request for a Special Exception to Article VII Section**
225 **A.1 to allow indoor and outdoor storage of equipment and repair to the stored equipment**
226 **with the following conditions:**

- 227 • ***The applicant will submit an Operations and Maintenance Manual log to the Building***
228 ***Inspector each December.***
- 229 • ***The applicant shall obtain any and all federal, state, county and municipal approvals and***
230 ***meet requirements to protect the aquifer as required.***

Vice Chair Anderson seconded the motion. Roll Call Vote: Vice Chair Anderson -aye; Ms. Callaway – aye; Mr. Bickford-aye; Chair Jarvis- aye. Motion passed, 4-0-0.

PUBLIC HEARING- Case #2022-005

An application submitted by Hoefle, Phoenix, Gormley and Roberts, PLLC, on behalf of the Dodier Living Trust, Rachel and Erik Dodier, Trustees for property located at 376 South Shore Road, Map 114 Lot 24.

The applicant is requesting Variances to:

Article V Section E: Dimensional Requirements for Town of New Durham. E. Flood Hazard Area and Water Body Setbacks. No new buildings, except for water-related structures, shall be located in a flood hazard area, or less than seventy-five (75) feet from any water body or river.

Article XIV Section C.5: Shorefront Conservation Overlay District. Dimensional Requirements; All development within the Shorefront Conservation Overlay District, whether on conforming or non-conforming lots, shall meet the following requirements. Lot Coverage: Buildings shall not cover more than 15% of the area of a lot. No more than a total of 20% of the lot area, including buildings, shall be covered by impervious surfaces.

Article XXI Section C.2: Non-Conforming Buildings, Land or Uses. New Buildings and Structures; Alteration and Expansion of Existing Non-Conforming Uses. All non-conforming property may be used for new construction of buildings and/or structures (including septic and leach fields) and any nonconforming building may be altered and expanded provided. Such expansion does not make any existing lot, structure, or use more non-conforming within the terms of this Ordinance.

Chair Jarvis asked if any member of the Board has a real or perceived conflict with hearing this case. None was indicated.

Chair Jarvis asked if any member of the public believes a Board member has a real or perceived conflict with hearing this case. None was indicated.

Chair Jarvis read the public notice into the record.

Chair Jarvis stated additional plans were submitted since the Board accepted the application as complete.

Monica Kieser, representative for applicants, representative for the applicant, explained additional enlarged scale plans were submitted and it was clarified the bar scale is for 5ft.

Chair Jarvis opened the public hearing at 8:15PM.

Monica Kieser, representative for applicants, stated they were here last year seeking variances in order to enlarge a garage and add a deck to the house; she stated the application now is completely different. She outlined the requirements in relation to the proposed plans; she stated the existing garage is being removed and replaced behind the 75ft setback line. Ms. Kieser stated they worked with NH DES determining whether the existing house is in the flood zone. It was

268 confirmed it is not, and there will be no new building in the flood area or the 75ft setback, so no
269 variance is needed under Article V, Section E.

270 Alex Ross, of Ross Engineering, LLC, explained the discussion with the State of NH flood plain
271 coordinator in 2017, and it was determined at that time the entire house was out of the flood zone
272 and the garage is 10ft above the flood elevation.

273 Ms. Kieser stated lot size coverage will be going from 31.3% to 23.8%.

274 Chair Jarvis questioned why the variance for Article XXI is needed as the lot is being made less
275 nonconforming with the reduced lot coverage and moving the garage behind the 75ft setback.
276 She stated Article XIV is definitely needed as the lot coverage is still over the ordinance limit,
277 however Article V, Section E is no longer needed. Ms. Callaway agreed. Vice Chair Anderson
278 stated Article XIV and XXI are needed as she has concerns about the coverage.

279 **Chair Jarvis made a motion based on the information received on July 14, 2022, a variance**
280 **to Article V, Section E is not needed. Mr. Bickford seconded the motion. Roll Call Vote:**
281 **Vice Chair Anderson -aye; Ms. Callaway – aye; Mr. Bickford-aye; Chair Jarvis- aye.**
282 **Motion passed, 4-0-0.**

283 Vice Chair Anderson explained she has concerns about the proposed lot coverage; she stated her
284 understanding of the industry standards for the pervious pavers, in relation to the steep slopes
285 and that there is an overestimation of what will actually be permeable. She explained the
286 maximum recommended slope for use of permeable pavers is 5% otherwise the water will run
287 right over.

288 Ms. Kieser addressed the five variance criteria for Article XIV; she stated existing house is a
289 rebuilt structure in 2008 and met all the zoning requirements at that time. She stated the
290 variances for the garage will not be contrary to the public interest; she stated there will be
291 significant reduction in the overall lot coverage. Ms. Kieser stated the public health and safety
292 would not be affected, noting the use of the property will remain the same. She stated the
293 surrounding values will not be reduced as the property is being improved; she stated the lot is
294 undersized and burdened by wetland buffer and steep slopes. Ms. Kieser stated any addition to
295 the lot would require variances. She stated the use is reasonable and will remain a residential
296 home.

297 Mr. Ross explained how the garage would be configured on the lot to keep it out of the 75ft
298 setback; he stated there would be an area covered with pervious asphalt because of the slopes; He
299 stated the slope out of the garage is 2.5% and goes up to a steep area but they could adjust the
300 area to make it more gradual. Vice Chair Anderson noted some contour lines are missing on the
301 plans and is concerned about the very steep slopes around the house and the retaining wall. She
302 stated she is concerned with how well the wall will hold up over time.

303 It was confirmed there will be no deck. It was also confirmed that the entire structure would not
304 be in a flood zone per the State of NH and a flood map of 2005.

305 Chair Jarvis asked how they can ensure the pervious asphalt will remain pervious for the next 25
306 years. Mr. Ross stated there are set requirements through UNH for maintaining the pervious
307 materials.

308 Chair Jarvis opened the public hearing to members of the public. None was indicated.

309 Vice Chair Anderson explained her concerns about the construction and driveway being within
310 the 7ft' setback.

311 Chair Jarvis closed the public hearing at 9:04PM.

312 Chair Jarvis stated the Board members hearing and deliberating the case would be Chair Jarvis,
313 Vice-Chair Anderson, Ms. Callaway and Mr. Bickford.

314 Mr. Bickford suggested continuing the hearing to make corrections to the plans and additional
315 information as requested by Vice Chair Anderson. Vice Chair Anderson stated with the addition
316 of contours, it could change the plans with the steep slopes. It was noted the type of asphalt
317 needs to be specified on the plans.

318 ***Findings of Fact***

- 319 • The lot is 15,787 square feet.
- 320 • It has a 1,349 square foot house; a 192 square foot garage and 172 square foot shed.
- 321 • The proposal is to tear down the existing garage and rebuild a new garage further back from
322 the water.
- 323 • The existing garage is 62.4 ft from the water; the proposed garage would be 75ft from the
324 water.
- 325 • The current building coverage is 10.9%; the proposed is 13.3%.
- 326 • The current impervious surface is 31.3%; the proposed is 23.8%.
- 327 • The current house will remain where it is.
- 328 • The new garage will be a two-story building, with a second floor being used for office space.
- 329 • There are steep slopes on the property.
- 330 • Pervious asphalt will be used for the driveway.

331 ***Discussion - Article XIV, Section C.5***

332 *Granting the variance would/would not be contrary to the public interest:* Chair Jarvis stated she
333 sees the proposal as an improvement and effort to come more into compliance with the
334 ordinances. Ms. Callaway and Mr. Bickford agreed. Vice Chair Anderson stated it would be
335 contrary because while the garage is behind the 75' setback, the proposed impervious coverage is
336 not within the 20%, and she isn't convinced the pervious pavement being proposed will be
337 sufficient for slowing the flow of water and keeping it from flowing into the lake. She stated that
338 even with removing the pavement from the calculations, its still over the limit. Vice Chair
339 Anderson stated the ordinance is to protect the lake and these plans don't have much for
340 infiltration; there is not great coverage for vegetation and little distance to the lake.

341 *The spirit of the ordinance would/would not be observed because:* Vice Chair Anderson stated
342 she believes the plans are contrary to the spirit of the ordinance which is to protect the pristine
343 lake. She stated the pristine lake is something that keeps the high property values around this
344 area; she stated this proposal is very close to the lake, isn't convinced the lake is protected and it
345 will damage the essential character of the area. Chair Jarvis stated she believes the ordinance is
346 being observed with the garage being moved back from the lake; the impervious surface is being
347 decreased, and she doesn't have scientific data to indicate that the proposed impervious plan is
348 not going to work. Ms. Callaway stated she doesn't have the expertise of Vice Chair Anderson
349 and the fact she is concerned about the plans, gives her pause. Ms. Callaway stated the fact the
350 garage is moved back past the 75ft setback is good but questions if more measures can be taken
351 for mitigating runoff. Chair Jarvis asked Vice Chair Anderson if there are other mitigation
352 measures they could require as conditions. Mr. Bickford stated the Planning Board often gets
353 into more details with these issues and suggested the Town Engineer can take a look and give
354 guidance. Vice Chair Anderson stated that per the UNH Storm Study Center, permeable
355 pavement should not be used on slopes greater than 5%; she stated it is a short distance, but this
356 is a special piece of property that doesn't have much space or soils to catch runoff if the
357 pavement fails. She stated the driveway is significantly within the 75ft setback.

358 Chair Jarvis suggested they suspend deliberations to ask the Town Engineer the following
359 questions: If pervious asphalt is used, will the plans as presented protect the lake from runoff?
360 What is the potential for failure and what else could be done to further protect the lake?

361 Chair Jarvis asked the applicants if they would agree to reopen the public hearing to allow for
362 additional evidence be introduced from the Town Engineers in order to get answers to these
363 questions. Ms. Kieser asked that Mr. Ross address the concerns they have brought up; she stated
364 they could revise the plans and resubmit within the 5% slopes and move forward with this case.
365 There was discussion whether these adjustments could be made to the plans for this case or
366 whether a new application would be needed. Ms. Callaway stated she believes Vice Chair
367 Anderson's concerns are valid, they all agree with protecting the lake and stated any change
368 would be substantial. Ms. Kieser stated she doesn't want this case denied, because if she comes
369 back with plans only changing the 5% slopes, it won't be materially different. She stated there is
370 expert evidence before the Board and Mr. Ross is present in order to answer the questions. She
371 stated the change in lot number and slopes won't change anything in regard to the requests for
372 variances.

373 *Granting the variance would/would not do substantial justice because:* Chair Jarvis stated it
374 would do justice as it's a great improvement overall. Vice Chair Anderson agreed and stated the
375 applicant gets the garage and the public gets greater protection to the lake. The Board agreed.

376 *For the following reasons the values of surrounding properties would/would not be diminished:*
377 Chair Jarvis stated it would not be diminished; the garage will increase the taxes for the property.
378 The Board agreed.

379 *Unnecessary Hardship:* Chair Jarvis stated the general purpose is to protect the lake and the
380 community and what is proposed meets those criteria. The Board agreed.

381 **Chair Jarvis made a motion based on plans dated May 23, 2022, application dated May 23,**
382 **2022 and the testimony at the public hearing of July 12, 2022, to grant the request for the**
383 **following variance:**

- 384 • *Article XIV Section C.5: Shorefront Conservation Overlay District. Dimensional*
385 *Requirements; All development within the Shorefront Conservation Overlay District, whether*
386 *on conforming or non-conforming lots, shall meet the following requirements. Lot Coverage:*
387 *Buildings shall not cover more than 15% of the area of a lot. No more than a total of 20% of*
388 *the lot area, including buildings, shall be covered by impervious surfaces.*

389 **With the following condition:**

- 390 • A revised set of plans shall be submitted reflected correct lot numbers, correct flood zone
391 information, corrected contour lines, and a reduction of the permeable asphalt area to a grade
392 of no greater than 5%.
393 • The second floor of the garage is not to be used for living space.
394 • All other federal, state or municipal regulations shall be complied with.

395 **Mr. Bickford seconded the motion.**

396 **Chair Jarvis made an amendment that the Zoning Board of Adjustment authorizes Vice**
397 **Chair Anderson to review the revised plans for compliance with the conditions set forth.**
398 **Amendment failed for lack of second.**

399 **Chair Jarvis made an amendment that the Code Enforcement Officer shall review the**
400 **revised plans for compliance with the conditions set forth. Vice Chair Anderson seconded**
401 **the amendment. Roll Call Vote: Vice Chair Anderson -aye; Ms. Callaway – aye; Mr.**
402 **Bickford-aye; Chair Jarvis- aye. Amendment passed, 4-0-0.**

403 The Board discussed whether a variance is needed to Article XXI Section C.2.

404 **Chair Jarvis made a motion that for Case #2022-005, a variance to Article XXI Section C.2.**
405 **is not needed. Ms. Callaway seconded the motion. Roll Call Vote: Vice Chair Anderson -**
406 **aye; Ms. Callaway – aye; Mr. Bickford-aye; Chair Jarvis- aye. Motion passed, 4-0-0.**

407 **Chair Jarvis made a motion to continue the public hearing for Case #2022-006 to**
408 **Thursday, July 14, 2022 at 10:00AM. Ms. Callaway seconded the motion. Roll Call Vote:**
409 **Vice Chair Anderson -aye; Ms. Callaway – aye; Mr. Bickford-aye; Chair Jarvis- aye.**
410 **Motion passed, 4-0-0.**

411 .

412

413 **ADJOURN**

414 **Chair Jarvis made a motion to adjourn. Vice Chair Anderson seconded the motion. Roll**
415 **Call Vote: Vice Chair Anderson -aye; Ms. Callaway – aye; Mr. Bickford-aye; Chair Jarvis-**
416 **aye. Motion passed, 4-0-0.**

417 The meeting was adjourned at 10:04PM.

418 Respectfully Submitted,

419 *Jennifer Riel*

420 Jennifer Riel, Recording Secretary