ATKINSON ZONING BOARD OF ADJUSTMENT
21 Academy Avenue
Atkinson, New Hampshire 03811

Public Meeting Town Hall
Tuesday May 15, 2012

Present: Hank Riehl; Glenn Saba; Sam Zannini

Incoming: Request for Rehearing
Outgoing: None

Discussion 7:30 P.M.

Motion for Rehearing, James and Jean Foley re: Henry Corey Variance

Mr. Riehl opened the discussion at7:30 PM. Three members present, all of whom had attended the April Public Hearing where a Variance was granted to Mr. Henry Corey for relief of side line setback requirements for a garage. Mr. Corey was also present.

Mr. Riehl referred to the letter and supporting materials presented by the Foley's. He explained that this was a Public Meeting, but not a Public Hearing, and that no testimony would be taken; rather that the Board would be discussing the written material of the Request for Rehearing among themselves.

Mr. Riehl noted that the letter contained quite a few reasons why the Foley's felt Mr. Corey shouldn't be allowed to build the garage, but that he didn't see anything showing why the ZBA should not have granted the Variance. Other issues raised in the letter would be outside of ZBA purview. He went on to say he thought the Variance request was for straightforward side line relief, and he felt that the ZBA had looked at it as if it was for a new garage, and that the location of a previous structure was immaterial. All 3 members agreed there was nothing in the Foley letter that warranted the granting of a rehearing.

At 7:35 Mrs. Foley arrived. Mr. Riehl recapped for her the basic criteria they were discussing, and what would constitute grounds for a rehearing. He indicated to her that her letter may contain information that could warrant the State getting involved, but that it did not appear to be material to the ZBA decision process.

Mr. Saba referred to the ZBA Handbook, and then reiterated that they had looked at the original case as if it was a new garage, and what previously existed didn't pertain. It had been the opinion of the Board that the location of the garage was aesthetically pleasing, and therefore "for the greater good." Mr. Saba went on to say that the request for rehearing does not appear to support any of the necessary criteria for granting a rehearing.

Mr. Zannini said he had voted for the Variance on April 11, without concern about prior structures on the lot. He also noted that the issues raised in the rehearing request with regards to wetlands are not pertinent, as no wetlands variance was sought. Mr. Saba agreed.

Mr. Riehl asked for a motion.

Mr. Saba made a motion to deny the request for a rehearing based on these discussions. They believed there were no errors in law or procedure, there was no new information presented, the record accurately reflected the proceedings and there are no other reasons for a rehearing. Mr. Zannini seconded the motion and it was passed unanimously.
Mr. Riehl explained briefly to Mrs. Foley that her other issues are separate from the ZBA process, and she may wish to pursue them on her own.

Cc. Selectmen

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