

Present: Vice-Chair Todd Page, Lewis Major, James MacDonell and CDC Kathryn Lynch. Jay Ebbighausen and Chair John Smith were excused. The applicants and one member of the public were present.

7:00 pm Vice-Chair Todd Page called the meeting to order. The first order of business was elections of offices. Mr. Major made a motion for John Smith to remain as Chair, for Todd Page to remain as Vice-Chair, and for James MacDonell to be nominated as Secretary, seconded by Mr. MacDonell, motion passed.

Mr. Page explained to the applicant that there were only three members present, not a full board, and asked if the applicant would like to proceed, (yes).

CDC Kathryn Lynch read the Public Notice for Application for an Area Variance submitted by Kevin Martin for tax map 34 lot 10, 793 Plain Rd., in the Rural Agricultural District. The applicant seeks a variance from Article VII, Section 6 Open Space Requirements of the Zoning Ordinance to permit building a garage within the properties setback, case #0715. Mr. Page invited the applicant Kevin Martin, his wife Brenda Martin and the abutter present to sit at the table. Mr. Martin explained that the proposed garage is a pre-fab garage from LaValley. It is a 24'x24' two car garage. Mr. Martin explained that their driveway has asphalt and they park in the area that the garage will be in. The end of the driveway has a severe slope and they are unable to put the garage there.

Mr. Page asked if anyone else was present in favor. Mrs. Martin said she was. Mr. Page asked if there was anyone present not in favor. Barbara Anne Peters, abutter at 789 Plain Rd explained her concerns. Ms. Peters explained that she has no problem with them building a garage but has a problem with it being seven ft. from the property line. 20 ft. is the required setback in the R/A District. Ms. Peters passed a hand drawn map out to the Board (on file) She explained that she felt there was adequate room for the Martin's to build their garage more than seven ft. from the property line. She feels that if the garage were built seven ft. from the property line that it would devalue her home. She wondered why do the Martins need that depth its almost 21 ft. She would rather see the garage built in the area of the black top where they park now and have parked for approx. 10 years. Ms. Peters wanted to know the height of the garage (standard size, one story, eight ft. door and not much pitch to the roof). Ms. Peters felt that if they could come away from the line another ten ft. she would be okay with the garage being built within the setback.

Mr. Martin explained that he put the posts in the ground to show Ms. Peters where the garage would sit, he respects Barb. Mr. Martin explained that he can still make the turn if the garage is set 17 ft. from the property line. Electricity will not be installed in the garage immediately, maybe next year. There is no plan to ever install water or sewer ed in the garage.

Hearing no further questions or comments Vice-Chair Todd Page closed the public hearing. The Board worked on the Finding of Facts, stating two:

1. The applicant would like to build a garage that is within the setback of their parcel.
2. The abutter is agreeable to the garage being built 17 ft. from the property line.

Lewis Major made a motion to adopt the Finding of Facts, seconded by James MacDonell, the motion passed.

Board composed the Statement of Reasons:

1. Granting the variance (~~would~~ – **would not**) be contrary to the public **interest** because: The garage will be built 17' from the property line instead of the required 20' and does not alter the neighborhood.
2. The **spirit** of the ordinance (~~would~~ - ~~would not~~) be observed because: The spirit is upheld and the garage fits into the character of the neighborhood.
3. Granting the variance (**would** - ~~would not~~) do substantial **justice** because: The applicant cannot build the garage at the end of his driveway due to a severe slope in the land. The driveway also cannot be built closer to Plain Rd., that would require the applicant to back out onto the street which would be dangerous.
4. For the following reasons, the **values** of the surrounding properties (~~would~~ - **would not**) be diminished: The garage will not diminish the value of the property or the surrounding area.
5. **Unnecessary Hardship**
 - A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because: If the garage were to be built at the end of the drive it would be extremely costly to the applicant due to the severe slope in the land.
 1. There (**is** - ~~is not~~) a fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property because: The applicant is not changing the characteristics of the property.
 2. The proposed use (**is** - ~~is not~~) a reasonable one because: The garage will allow space for the applicants vehicle.
 - B. The criteria in subparagraph (A) having not been established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. The property (~~can~~ - **cannot**) be used in strict conformance with the ordinance because: The proposed use is at an amended distance which is agreeable to the abutter.

James MacDonell made a motion to approve the Statement of Reasons. He was seconded by Lewis Major. The motion passed unanimously.

James MacDonell made a motion to grant the Variance at the amended distance of 17' from the property line. He was seconded by Lewis Major. The motion passed unanimously.

Mr. Page said the committee had minutes of the December 11, 2014 meeting to accept. Mr. MacDonell made a motion to accept the minutes as written, was seconded by Mr. Major. The motion passed unanimously.

Zoning Board of Adjustment
Hinsdale NH
July 14, 2015

CDC Kathryn Lynch passed out a letter from Chesterfield Board of Selectmen. The letter is a listing of possible workshops from NHMA that Chesterfield may host. The Chesterfield Board is asking area Boards which workshops, if offered, would they feel are beneficial. CDC Kathryn Lynch will get the list to TA Jill Collins.

As there was no more business before the Board, Mr. Page asked for a motion to adjourn. Mr. Major made the motion and he was seconded by Mr. MacDonell, and the motion passed unanimously.

The meeting ended at 7:30 pm.

Respectfully submitted,

Kathryn Lynch