

Zoning Board of Adjustment
Hinsdale NH
October 11, 2016

Present: Chair John Smith, CDC Kathryn Lynch, James MacDonell, Jim Waters, Todd Page and Alternate Ken Howe. Lewis Major was in the audience. The applicants, Rod Lawrence - Building Inspector and John Brunelle - representative for the Fostyck Family were also present. There were no members of the public.

7:00 p.m. Chair Smith called the meeting to order. He explained that the applicant of the Variance Application submitted by Riverside Food Brew & Wine, case #0916C, withdrew his application.

Chair Smith read the agenda for the continued hearing for case # 0916A. He explained that at the last meeting there was some confusion because the application referenced a prior variance. Mr. Brunelle explained that originally he submitted an application for a building permit on Ms. Fostyck's behalf. The residence on Northfield Rd. was in need of structural improvements. The original plan was while the improvements were going on in the residence; she would need a place to live temporarily. So they brought the MH onto the property to give Ms. Fostyck a place to live temporarily during the remodeling of the residence. They started cleaning the residence and it became overwhelming and time went by. They then decided that the home required too much work so they decided to work on the MH and make it livable and then move it to land on Tower Hill Rd. The land on Tower Hill Rd. was merged to form one lot, a driveway permit was taken out and construction plans began. Mr. Brunelle explained that it will take approximately four weeks from start to finish pouring the foundation, setting the MH and finishing the area. The holdup has been with the bank. As soon as they think all in going in there favor there is a hick up. Mr. Brunelle explained that the residence is not habitable at this time and no matter what happens with the bank they will work it out to have the MH moved to Tower Hill Rd. by spring of 2017. He explained that Rod allowed us more time on the building permit and that may be where the variance confusion began. Mr. Lawrence explained that he agrees with everything that Mr. Brunelle said.

Mr. MacDonell asked Mr. Brunelle, when will construction start if you hold the note? Mr. Brunelle explained that construction will begin between March and May, and it's a five week job.

Hearing no further questions or comments Chair Smith closed the public hearing. The Board worked on the Finding of Facts:

1. Due to financial hardship the applicant cannot move MH until spring of 2017.

Mr. MacDonell made a motion to adopt the Finding of Facts. He was seconded by Mr. Howe. The motion passed.

Board composed the Statement of Reasons:

1. Granting the variance (~~would~~ – **would not**) be contrary to the public **interest** because: It is an extension of the building permits time table.
2. The **spirit** of the ordinance (**would** - ~~would not~~) be observed because: It is an extension of the building permits time table.
3. Granting the variance (**would** - ~~would not~~) do substantial **justice** because: It would allow for the planned

permitted construction of the new setting for the MH new location.

4. For the following reasons, the **values** of the surrounding properties (~~would~~ - **would not**) be diminished: No known devaluation of surrounding properties exists with the current temporary location of the home on site. A continued temporary location of the home on site would have no additional effects.

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: It is an extension on a building permit.

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: It is an extension on a building permit.

2. The proposed use (**is** - ~~is not~~) a reasonable one because: It is only temporary at the location.

- B. n/a

Mr. Page made a motion to approve the Statement of Reasons. He was seconded by Mr. MacDonell. The motion passed unanimously.

Mr. Page made a motion to grant the Variance with the condition that the MH is moved from the Northfield Rd. property by June 30, 2017. He was seconded by Mr. Waters. The motion passed unanimously.

7:25 p.m. Chair Smith read the Public Notice and Application for an Area Variance submitted by Cheryl Dyer for tax map 29 lot 43, 21 Revere Dr., in the Rural Agricultural District. The applicant seeks a variance from Article VII, Section 6 Open Space Requirements of the Regulations of the Zoning Ordinance to permit an addition to existing garage into the setback of the property, case #1016. Ms. Dyer explained that she is adding a garage which is actually an extension of an existing carport. It will look better and she has spoken with the neighbors and heard no issues. She explained that years ago there was a vacant piece of land between her and her neighbor. They purchased it and split the acreage, which makes the lots more conforming.

There were no objectors in the audience.

Mr. MacDonell asked if the curb cut would be changed. No it won't.

Hearing no further questions or comments Chair Smith closed the public hearing. The Board worked on the Finding of Facts:

1. Will not diminish the surrounding properties.
2. Addition will match existing structures.
3. Existing driveway location will not change.
4. No impact on town services.
5. Improve the overall look of the property.

Mr. MacDonell made a motion to adopt the Finding of Facts. He was seconded by Mr. Page. The motion passed unanimously.

Board composed the Statement of Reasons:

1. Granting the variance (~~would~~ – **would not**) be contrary to the public **interest** because: The garage addition will be built to match existing structure. One addition bay to hold vehicle.
2. The **spirit** of the ordinance (**would** - ~~would not~~) be observed because: The addition will be done to match existing structure, no negative visual impact on neighborhood. Still an area to get around edge of property without going on neighbors land.
3. Granting the variance (**would** - ~~would not~~) do substantial **justice** because: Due to existing structure, layout of property and access, this is the best place for vehicle storage/add-on.
4. For the following reasons, the **values** of the surrounding properties (~~would~~ - **would not**) be diminished: The property value will be improved, there will be no impact on town services.
5. **Unnecessary Hardship**
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: The area is open space, the structure will not use all of the 20' of the setback. The neighbor affected has given verbal okay to the applicant.

Mr. Howe made a motion to approve the Statement of Reasons. He was seconded by Mr. MacDonell. The motion passed unanimously.

Mr. Page made a motion to grant the Variance. He was seconded by Mr. MacDonell. The motion passed unanimously.

Mr. MacDonell made a motion to approve the minutes dated 9-13-16. He was seconded by Mr. Page. The motion passed unanimously.

Mr. Page made a motion to adjourn. He was seconded by Mr. MacDonell. The meeting ended at 7:45 p.m.

Respectfully submitted,

Kathryn Lynch