

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

May 28, 2019

GENERAL BUSINESS

Present: Tim Lang, Chair, Don Bormes, member, Doug Rasp, member, Glenn Fredericks, alternate, Audry Barriault, secretary and alternate

Doug Rasp made a motion to approve the draft minutes of 4/23. Glenn Fredericks seconded the motion and the motion passed unanimously.

PUBLIC HEARING

Application for Zoning Variance (ZBA 2019-4) – Sanbornton Zoning Ordinance Article 15, Section F.1(b) and B.1. Applicant: Steve Garcia, 94 Osgood Rd, Tax Map 20, Lot 6. Applicant seeks construction of a detached garage partially located within seasonal wetlands.

(Glenn Fredericks and Audry Barriault seated as a voting members). Applicant Steve Garcia explained that that he would like to construct a detached garage on his property, with 150 square feet of the garage located in a wet area of property. He stated that this is the only feasible place on the property to build the garage so that he can maintain access to the rest of the rest of his land. Glenn Fredericks asked what feeds the wetland area, and Mr. Garcia responded that the water comes from runoff on other parts of his property and drainage from the road during rain, but is not wet year-round. He noted that there will be adequate drainage built around the garage.

The ZBA reviewed the variance application against the five variance criteria and voted as follows:

Criterion #1: The variance will not be contrary to the public interest

Rasp/Yes; Fredericks/Yes; Lang/Yes; Bormes/Yes; Barriault/Yes

Criterion #2: The spirit of the ordinance is observed

Rasp/Yes; Fredericks/Yes; Lang/Yes; Bormes/Yes; Barriault/Yes

Criterion #3: Substantial justice is done

Rasp/Yes; Fredericks/Yes; Lang/Yes; Bormes/Yes; Barriault/Yes

Criterion #4: The values of surrounding properties are not diminished

Rasp/Yes; Fredericks/Yes; Lang/Yes; Bormes/Yes; Barriault/Yes

Criterion #5: Literal enforcement of the ordinance would result in an unnecessary hardship

Rasp/Yes; Fredericks/Yes; Lang/Yes; Bormes/Yes; Barriault/Yes

Sub-Category A: “The Relationship Test” or “The Reasonable Use Test”

Rasp/Yes; Fredericks/Yes; Lang/Yes; Bormes/Yes; Barriault/Yes

Sub-Category B: “The Strict Conformance with the Ordinance Test”

Rasp/Yes; Fredericks/Yes; Lang/Yes; Bormes/Yes; Barriault/Yes

Doug Rasp made a motion to grant the variance to Article 15, Section F.1(b) and B.1 of the Sanbornton Zoning Ordinance to Steve Garcia. Glenn Fredericks seconded the motion and the motion passed unanimously.

Chair Lang noted that there is a 30-day period when any abutter can appeal the ZBA's decision in this case.

Meeting adjourned at 7:30pm. The next meeting is the Joint Land Use Boards Meeting scheduled for Thursday, June 6th at 7:00 at the library.

Respectfully submitted, Audry Barriault