

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

July 25th, 2017

GENERAL BUSINESS

Present: Melissa Anderson, member, Don Bormes, member, Paul Dexter, member, Tim Lang, Chair, Audry Barriault, alternate (seated for Doug Rasp)

Melissa Anderson made a motion to approve the draft minutes of 2/28. Chair Tim Lang seconded the motion and the motion passed unanimously.

PUBLIC HEARING

Case #497 - A request from Otto J. van Der Schijff, as Applicant, for a Variance from article 8, Section A(6) of the Zoning Ordinance. Applicant seeks to build a garage closer to the property line than as mandated by setback requirements. The proposed project is located at 135 Hermit Lake Road, Tax Map 03, Lot 69, and the property is located in the Recreational Zoning district.

Mr. van Der Schijff explained that he had presented to the ZBA before last year, when he requested a variance to construct a garage only several feet from the side setback. He has since decided to pursue moving his septic system to accommodate a garage, which would still be within the front setback requirement by ten feet (required setback is thirty feet), but explained that this is the most logical option given his property layout. He explained that he has received septic design and shoreline approval from DES, and also noted that many homes in his neighborhood have garages that are within the setback requirement as well. Don Bormes stated that he has seen this area and agrees that many lots are non-conforming and that this addition of a garage will only improve property values. Chair Tim Lang read a memo received from abutter Dianne Carrasquillo, explaining that she is concerned about her own property value decreasing if she can see the garage from her own driveway. Mr. van Der Schijff responded that no trees will be removed between his home and the Carrasquillo's and that the location of the proposed garage will not be an obstruction to the neighbors.

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

Dexter/Yes; Lang/Yes; Bormes/Yes; Anderson/Yes; Barriault/Yes

Criterion #2: The spirit of the ordinance is observed

Dexter/Yes; Lang/Yes; Bormes/Yes; Anderson/Yes; Barriault/Yes

Criterion #3: Substantial justice is done

Dexter/Yes; Lang/Yes; Bormes/Yes; Anderson/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Bormes/Yes; Anderson/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Bormes/Yes; Anderson/Yes; Barriault/Yes

Sub-Category A: "The Relationship Test" or "The Reasonable Use Test"

Dexter/Yes; Lang/Yes; Bormes/Yes; Anderson/Yes; Barriault/Yes

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

Dexter/Yes; Lang/Yes; Bormes/Yes; Anderson/Yes; Barriault/Yes

Don Bormes made a motion to grant the variance from Article 8, Section A(6) to Ockert van Der Schijff in Case #497. Paul Dexter seconded the motion and the motion passed unanimously.

Other Business

Chair Tim Lang reminded the Board that he has emailed members a copy of the Volunteer Policy that the BOS has adopted. Members should familiarize themselves with the document. He also provided copies of an overview document regarding grandfathering properties, explaining that there will be a case brought before the Board regarding a grandfathered property shortly.

Meeting adjourned at 7:35pm.

Respectfully submitted,

Audry Barriault