

SANBORNTON ZONING BOARD OF ADJUSTMENT

P.O. BOX 124

Sanbornton, NH 03269-0124

MEETING MINUTES

February 26, 2019

GENERAL BUSINESS

Present: Tim Lang, Chair, Paul Dexter, member, Don Bormes, member, Steve Cobb, alternate, Melissa Anderson, member, Doug Rasp, member

Paul Dexter made a motion to approve the draft minutes of 12/27 with corrections. Don Bormes seconded the motion and the motion passed unanimously.

PUBLIC HEARING

Application for Zoning Variance (ZBA 2019-1) Sanbornton Zoning Ordinance Article 14, Section c.2 and Article 8, A.5/6. Applicant: Chris Robinson on behalf of property owner Tom Hannon at 51 Lakeside Dr. (Tax Map 12, Lot 110). Applicant seeks vertical expansion of residence with non-conforming setbacks; 9' side setback, 22' front setback, and 41' shoreline setback, whereas 10', 30' and 50' minimums are required, respectively, per the Ordinance.

Chris Robinson explained that the homeowners propose to expand their house vertically; the home has non-conforming setbacks that were approved via variance in 1989. Chair Lang stated that he has looked for the notice of decision in that case but there were no specifics, other than stating the variance was granted. He would like this hearing to re-affirm that the current setbacks are approved by the ZBA. These setbacks as described by Town Planning Assistant Steve Laurin are 9' for the side setback, 22' for the front setback, and 41' for the shoreline setback, whereas 10', 30' and 50' minimums are required, respectively. Chris Robinson noted that the height of the addition will be under the 35' minimum at 33' and that the current footprint of the house is not changing.

Chair Tim Lang asked if all abutters have been noticed; secretary Audry Barriault responded that return receipts have been received for all abutters.

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; Rasp/Yes; Lang/Yes; Bormes/Yes; Anderson/Yes

Criterion #2: The spirit of the ordinance is observed

Dexter/Yes; Rasp/Yes; Lang/Yes; Bormes/Yes; Anderson/Yes

Criterion #3: Substantial justice is done

Dexter/Yes; Rasp/Yes; Lang/Yes; Bormes/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Lang/Yes; Bormes/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Lang/Yes; Bormes/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Lang/Yes; Bormes/Yes; Anderson/Yes

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

Dexter/Yes; Rasp/Yes; Lang/Yes; Bormes/Yes; Anderson/Yes

Paul Dexter made a motion to grant the variance to Article 14, Section c.2 and Article 8, A.5/6 to Chris Anderson on behalf of property owner Tom Hannon. Doug Rasp 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 7:25pm.

Respectfully submitted, Audry Barriault