

ZONING BOARD OF ADJUSTMENT

Minutes from Site visit on April 23, 2013 at 38 High St.

Present: John Perkowski, Andy Cay, Jim Larkin, Harriet Davenport, Renee Fales

This is a continuation of **William Hogue's** request for a variance from Article 203.5 Section A and B, Front and Rear setbacks to permit rebuilding the burned down barn as a 2-car garage within the 50 ft setback. The property is located at 38 High St, Spofford (Map 6A Lot D2) Residential district.

The garage on 38 Spring St was lost in January 2013 due to a fire. The original garage was situated directly on the side property line and approximately 16' from the front setback. William Hogue, the property owner, wishes to rebuild a larger garage in a different location, but still within the setbacks. The variance is requested from Article II Section 205.5 A and B.

The site was viewed and the burned remnants of the original garage were evident. The property owner had decided to amend his original application and place the garage approximately 40' from the front set back and approximately 16' from the side setback to allow for more room for a driveway.

Davenport pointed out that the east side of the property contained the septic system and well and would not be able to build there. She also pointed out that the rear of the property was a steep drop off to the stream and moving the garage any further back would take away usable lawn space.

The motion was made by Larkin and seconded by Davenport to approve the amended variance:

- The variance is not contrary to the public interest. *Yes. The new garage will improve the look of the property and moves the structure further from the abutter's property line.*
- The variance will not be contrary to the spirit and intent of the ordinance. *Yes. The rebuilt garage will be further from the side and front setbacks than the original.*
- Substantial Justice is done. *Yes, the new placing of the garage will make a safer spot to pull cars into and allow for better off street parking.*
- The variance will not diminish the values of surrounding properties. *Yes, the new garage will enhance the look of the property.*
- Literal enforcement of the ordinance would result in unnecessary Hardship.
(A) Because the special conditions of the property that distinguish it from other properties in the area:
 - (a) *The east side of the property has the well and septic and makes it unbuildable and the rear of the property is a steep drop off.*

And

(b) The proposed use is a reasonable one. *Yes, as the old garage was lost in a fire and a two car garage is a reasonable use for home owners.*

The application as amended from the original was unanimously approved.

Respectfully submitted,
Renee Fales

Approved

Andy Cay
Vice Chairman, Zoning Board of Adjustment
Date_____