

**TOWN OF CHESTERFIELD, NH
ZONING BOARD OF ADJUSTMENT**

**SITE VISIT MINUTES
February 15, 2014**

Present: Harriet Davenport, Renee Fales and Kristin McKeon. Burt Riendeau arrived at 9:30 a.m.

Charles and Antje Hornbeck requested a variance from Article 203.5 of the zoning ordinance to permit a front setback of less than 50 feet. This property is located at 376 Old Chesterfield Road, Chesterfield, N.H. 03443 (Map 12A Lot 3.2) Residential district (Continued from February 11, 2014)

The board met at 9:00 a.m. at the Hornbeck property. The meeting was called to order at 9:05 a.m. The process and board procedure was explained to Antje Hornbeck, with only three members present. Mrs. Hornbeck acknowledged understanding of the process and asked to proceed with the meeting.

Board members walked the property. They observed the front setback for the proposed addition by measuring the area. Davenport stated that considerations were made on the safety aspect, as the driveway would not be impacted by the addition and the driveway is as it has been used from the originality of the property, not being changed or impacted in any way, therefore, safety would not to be an issue. Davenport added that hardship in the land to the north is where the septic system is located and should not be disturbed, therefore, the applicants cannot use that area for any addition. McKeon added that the slope on the back side of the garage would be a hardship to build on. Fales stated that the driveway has historically been within the 50 ft. setback and the addition, as presented of 13 ft., coming out, is currently in the lawn area and not in the driveway area. McKeon stated that the addition will only go 5 ft. into the setback area and would not impact any neighbors. There were no abutters that opposed the proposed addition and received a supporting document from one abutter, directly across the driveway.

Fales made a motion to approve the application as applied for.

Criteria for approval:

- The variance is not contrary to the public interest. ***Yes, the variance is not contrary to the public interest. The addition is only going 5 ft. into the setback. The driveway will still be within the front setback, but it has historically been within the front setback.***
- The variance will not be contrary to the spirit and intent of the ordinance will be observed. ***Yes, the spirit of the ordinance has been observed. The house is only going within 5 ft. of the front setback and the driveway has historically been within the setback.***
- Substantial justice is done. ***Yes, there is no other feasible way for the Hornbecks to put in an addition on. The backside of the house is the septic system and behind the garage is a slope, such as it would cost much more money for the pad that has been presented.***
- The variance will not diminish the values of surrounding properties. ***Yes, there is substantial tree screening from all the neighbors and none of the neighbors have come forward to***

complain that this is going to be an issue for them. One neighbor has supported the application.

- Literal enforcement of the ordinance would result in unnecessary hardship.
 - (A) Because of the special conditions of the property that distinguish it from other properties in the area:
 - (a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. ***Yes, for the applicant to go out of the setback, she would have to go into the septic system or silt area. This is the unique provisions of the property that is being allowed for the applicant to go into the front setback.***
 - (b) The proposed use is a reasonable one. ***Yes.***

Davenport seconded the motion.

The vote was called. The vote carried unanimously.

The meeting was adjourned at 9:35 a.m.

Harriet Davenport
Zoning Board of Adjustment

Date: _____

NOTE: Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty days of the date of this decision. The necessary first step, before any appeal may be taken to the courts, is to apply to the Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds on which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677