

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

**SITE MEETING MINUTES
January 17, 2009**

Present: Chairman Burt Riendeau, Andy Cay, Alternates Jim Larkin, Lucius Evans and Carol Ross and Selectman Bob Brockmann

The Zoning Board of Adjustment met at the Spaulding property on January 17, 2009 at 10:00 am. Riendeau called the meeting to order at 10:08.

David Spaulding requests a Variance from Article 203.5 Section B, Side Setback to permit a shed 5 ft from the side property line. The property is located at 62 Maple Rd, Spofford (Map 12A Lot B3) Residential zone. This application is continued from January 14th.

The Board met on site at 10:00 am. The meeting was called to order at 10:08 am. The Board walked to the rear of the property. The shed is presently 5 ft from the property line. It was noted that it could be placed in a conforming area. Larkin measured from the presumed property line out 20 ft.

Denise Cobb stated that the garden and surrounding it was also the leach field area. She stated that they access the rear of the yard in front of the current placement of the shed with a truck when it was dry enough to bring brush to the bonfire area across the brook. She stated that the rear was also very wet; however, there is an existing shed in that rear area. The Board noted that the shed could be placed back in the area of the shed further back without hampering their access to the rear of the property.

Cobb stated that her neighbors are in favor of the application and if denied it would be an injustice and felt that she was being harassed. Ross asked Cobb why she felt harassed and she stated they weren't allowed to keep the shed there. She noted another application at the ZBA meeting where neighbors were against the application and the ZBA approved it. The application was a Special Exception where the criteria had been met and could not be legally denied. Her application does not meet the criteria of the ordinances.

Cay moved to deny the application on the grounds that it does not meet the criteria for a variance. Under the Boccia analysis there are other places the shed could be put. Under the other criteria for a variance we find that it does not qualify.

Criteria for approval:

A. *Denial of the variance would result in unnecessary hardship for the property owner seeking it. Boccia analysis for hardship:*

➤ *The special conditions of the property make an area variance necessary in order to allow the development as designed. No*

And;

- *The same benefit sought cannot be achieved by some other reasonably feasible method for the applicant to pursue. No*
- B. *The granting of the variance would not be contrary to the spirit and intent of the ordinance. No*
- C. *The variance is in the public interest. No*
- D. *Denial of the variance would result in injustice. No*
- E. *The variance will not diminish the values of surrounding properties. No*

Ross seconded the motion, which carried unanimously.

Adjournment: The Board adjourned at 10:25 am.

Respectfully submitted,

Carol Ross
Secretary

Approved:

Burton Riendeau
Chairman, Zoning Board of Adjustment

Date: _____