

**TOWN OF CORNISH, NH
ZONING BOARD OF ADJUSTMENT
CASE 07-03
SEPTEMBER 3, 2007**

Members Present

voting:

Caroline Storrs, Chair, Bill Balch, Jason Bourne, Jim Brown, and Bruce Tracy

non-voting: Scott Baker

Also Present

Andrew Hoffman

Heidi Jaarsma (recording secretary)

The meeting was held at the Cornish Town Office and was called to order at 7:30 p.m.

Case 07-03

Andrew Hoffman has applied for a variance under Article X, Section G of the Town of Cornish Zoning Ordinance.

Background

Mr. Hoffman said that he would like to build a garage within the one hundred foot setback from Whitewater Brook. His 4+ acre lot is narrow, and the setbacks from the brook and the property line could only be met if the garage were six hundred feet away from his house. Mr. Hoffman's plan showed that the proposed garage would be approximately fifty feet from the brook to the south and twenty feet the boundary line to the north. Mr. Hoffman had understood that the setback from boundary lines was ten feet. The Board informed him that the setback from boundary lines was thirty feet. A variance would be necessary for both the setback from the brook and the boundary line. Caroline Storrs telephoned Karim Chichakly to ask about the noticing procedure for the additional variance. Mr. Chichakly said that the hearing as warned covered both variances.

The Board discussed ways in which Mr. Hoffman could reposition the garage. Mr. Hoffman said that the only area where the setbacks could be met would be very far from the house, as described above, and would put the garage in a low-lying area of land. Another utility pole would also be necessary to service the garage if located at this area. Repositioning the garage so that the boundary line setback would be met would move the garage closer to the brook. Mr. Hoffman asked the Board to consider the application as presented. Mrs. Storrs called for a vote to find whether the Board should go ahead with the request for variances from both the setback from the brook and the boundary line. The vote of the Board was 4-0 in the affirmative.

Closed Discussion

Bruce Tracy cited an example of property owners who could not build within the setback. Mr. Hoffman discussed the drainage and site work he planned for the garage should the

variance be granted. Jim Brown asked about the driveway that would be constructed to the garage. Mr. Hoffman said that the proposed driveway would be laid out with filter fabric, stone, and gravel. Using the drive to the existing garage, which is small and right up to the abutter's boundary line, would damage the roots of several large pine trees on his neighbor's property. Mr. Hoffman added that the current drive is a blind one. Mr. Brown also asked what height the new garage would be. Mr. Hoffman said that he guessed it would be about sixteen feet high; the pieces of the prefabricated garage which he had purchased several years ago are on his property. Then poor condition of the existing garage was also discussed.

Jim Brown made a motion to grant the variance from the 100' setback in the Shoreland Conservation District and the 30' setback from boundary lines on the following conditions:

1. There will be no running water in the garage.
2. The garage will be constructed with drainage on the northwest corner, away from the brook. The garage will be surrounded by $\frac{3}{4}$ " stone and filter fabric.
3. The drive to the garage will be raised and crowned so as to minimize runoff to the brook. The drive will be improved by filling in the existing swale.
4. Within two and one-half years after the commencement of construction, the existing garage must be removed.

Bill Balch seconded the motion, and the vote of the Board was in the affirmative, 5-0.

Respectfully submitted,
Heidi M. Jaarsma