

TOWN OF CORNISH, NH
ZONING BOARD OF ADJUSTMENTS
CASE 12-01
JULY 2, 2012

The Town of Cornish Zoning Board of Adjustment met on July 2, 2012, at 7 p.m. in the Cornish Town Office. Voting members present Caroline Storrs, Chair, Bill Balch, Jason Bourne, Jim Brown, and Bruce Tracy.

The meeting was called to order at 7:03 p.m.

Also present were Perry and Kathleen Coombs.

Case 12-01 concerns a request by Perry & Kathleen Coombs for a variance concerning Article V, Section A, of the zoning Ordinance. The applicants propose to build an open porch approximately four feet short of the setback on property located at 65 Whitewater Brook Road, Map 12, Lot 21, in the rural zone in Cornish, NH.

Bill Balch, Clerk, read the notice and received fees from the Perry and Kathleen Coombs. Certified receipts were received from all notified abutters.

Background

The Coombs provided tax maps and sketches of the proposed deck. The Coombs propose a one-story open porch for improved use and appearance of the property. The existing pin is diagonally of the corner of the existing house. The eastern corner of the porch is 26' from the set iron pin of the property boundary. Mr. Coombs pointed out the 26' was enough room to get equipment through.

Mrs. Storrs asked the lot size of Lot 21. The lot measures 2+/- acres. The Coombs own on both sides of the line. There are two separate lots owned by the Coombs supporting two residences. The two-acre lot was subdivided under the two-acre exemption in the zoning ordinance. The drive to the adjacent 6-acre lot, also owned by the Coombs, runs along the boundary line.

Mrs. Storrs asked if there was any way that the proposed construction could be made any shorter in order to comply. Ms. Coombs said that is would not fit in with the building style. Mr. Coombs added that they would not build the porch if they could not build it as proposed.

Mrs. Storrs asked if there were questions from the Board. Mr. Balch asked how much would need to come off the proposed porch to meet the dimensional standards. Mrs. Storrs asked if the

lot was in the flood zone. The Board checked the FIRM and found that the lot was in ZoneX, and thus not in the flood plain.

The Board asked the Coombs about the requirements for a special exception:

1. Not contrary to the public interest: Ms. Coombs state that the addition would enhance property and not degrade it. No access would be limited by the 26' width.
2. Spirit of Ordinance is observed: Ms. Coombs said that, given the lay of the land, the 4' would not be a great impact in anyway, nor would it take away from the use of either property. Mr. Coombs said that it did not make it look crowded. Mr. Bourne asked about future building, and Ms. Coombs showed him the existing buildings on a survey of the properties. Nothing else could be built within that space.
3. Substantial justice is done: Ms. Coombs said that enjoyment of the property would be enhanced by a three-season space. Mr. Coombs said that he was improving the neighborhood by the proposed addition. Ms. Coombs gave the history of the home, which at one point was a dairy with apartments above. The lower floor currently is considered a basement. The porch will be off the lower floor with a front door that leads upstairs. It could be a first step to a downstairs area in the future.
4. Value of the surrounding properties would not be diminished: Ms. Coombs referred to her arguments in 1-3.
5. Unnecessary Hardship: Ms. Coombs said that not allowing the variance would not allow them to enhance to property and its use.

Ms. Storrs asked the Board if there were special conditions on the property. Mr. Coombs discussed the snow removal on the property which would be difficult to do were the lot line to be move – the configuration of the driveway would change. Bruce Tracy said that it was too bad that the applicants could not change the boundary line.

Closed Discussion

Ms. Storrs suggested going through the criteria for the variance, state above.

1. Affirmative 5-0
2. Jim Brown said that the effort to minimize the width showed that the applicant was making an effort. Bill Balch said that the applicants were only asking for four feet. Affirmative 5-0
3. Jim Brown said that he felt that justice was done by granting the variance. Affirmative 5-0
4. Affirmative 5-0

5. Jason Bourne said that the proposal is so within the spirit of the ordinance that denial would be a hardship given the circumstances of the property. Ms. Storrs said that there is very little room since a portion of the two-acre lot is across the road. Affirmative 5-0

Ms. Storrs said that all five criteria had been met. Bill Balch moved that the variance be granted as proposed. Bruce Tracy seconded the motion, and the vote of the Board was in the affirmative, 5-0).

Approval of Minutes

Case 11-02: Ms. Storrs said that it should be noted to the Selectboard that the applicant had not commenced the business in over a year. Jason Bourne made a motion to approve the minutes as presented. Jim Brown seconded the motion, and the vote of the Board was in the affirmative. 5-0.

Case 11-03: The Board noted several corrections. Jim Brown moved that minutes be accepted subjected to edits. Jason Bourne seconded the motion and the vote of the Board was in the affirmative, 5-0.

Respectfully submitted,
Heidi M. Jaarsma