

**Town of Cornish, New Hampshire
Zoning Board of Adjustment
Case 15-01
November 2, 2015**

The Cornish Zoning Board of Adjustments met on Monday, November 2, 2015, at 7pm in the Cornish Town Offices. Members present were Caroline Storrs, Chair, Bill Balch, Jason Bourne, Karim Chichakly, Kate Freeland, and Dale Rook. Bill Knight represented Ms. Ceislicki.

Also present: Loretta Evans, Stuart Hodgeman, and Heidi Jaarsma, recording Secretary.

Caroline Storrs called the meeting to order at 7:33 pm.

Approval of Minutes: October 15, 2015

Kate Freeland asked that ‘prior to the issuance of a building permit’ be added to the second paragraph. Jason Bourne made a motion to accept the minutes as amended. Dale Rook seconded the motion, and the vote of the Board was in the affirmative.

Case 15-1: The applicant, Barbara Ceislicki proposes to add a roofed entry, or stoop, located at 189 Lang Road, Map 8, Lot 4, in Cornish, NH. The addition does not meet setback requirements. Barbara Cieslicki has requested a variance concerning Article V, Section A, of the Cornish Zoning Ordinance.

Mr. Balch read the notice. Mr. Knight will forward an email to the Town of Cornish authorizing his representation of Ms. Ceislicki.

Voting: Bill Balch, Jason Bourne, Kate Freeland, Dale Rook, and Caroline Storrs.

Background

Mr. Knight presented a plot plan of the proposed front porch to the existing house. The addition of the porch would bring the footprint of the house twenty-nine feet from the edge of the road. The setback from the edge of the road is 30’. The house is one of the older houses in town. A prior addition is one level down from the main house. The addition of the porch would allow entrance to the house on the main living-space during winter. Without the porch, the front door would not be useable in the winter. Ms. Ceislicki is hoping that she will be able to enter at that level. The size of the porch would at some point allow mechanical entry to the house for persons with impaired mobility. Ms. Storrs asked if the road was a two-rod road. The Road Agent and the Selectboard had determined the edge of the right-of-way and that the road was a two-rod road. Ms. Freeland asked about the 7’ depth of the porch shown on the plan. Mr. Knight replied that the porch had framed out at a depth of 8’.

Mr. Knight did not see that there was any harm to the public interest in the construction of the porch. Mr. Knight said that the porch was a reasonable accommodation. The addition of the porch would increase Ms. Ceislicki’s ability to stay in her home. Mr. Knight did not see any diminution to the value of the properties. Mr. Knight continued that it would be a hardship if

Ms. Ceislicki would not be able to live in her house without single-floor access. Mr. Chichakly pointed out that the hardship was determined by the uniqueness of the property compared to similar properties in the area. Mr. Knight stated that the age of the house made it unique.

Ms. Storrs clarified where the edge of the right of way was. The Road Agent and Mr. Knight measured from the edge of the right-of-way independently. Mr. Knight said that there is a line of trees that has clearly been along the road for a very long time. The center of the road, according to Mr. Knight, does not lie in the center of the right-of-way. Jason Bourne said that the measurement of the addition according to the plan did not show the need for a variance. The main building is 37' from the right-of-way, and the plan shows that the porch is 7' deep.

Public Discussion

Loretta Evans said that the addition would look very nice. Stuart Hodgeman said that he was very familiar with the road. He said that some ledge was removed about three years ago that action had widened the road. Mr. Hodgeman said that it would be wonderful to have a porch there.

Closed Discussion

Ms. Storrs asked that the Board consider the following.

The variance will not be contrary to the public interest;

Karim Chichakly said that the Board would have to find that the proposal did not affect health safety or welfare and would not cause increase in town services. Bill Balch made a motion to find that the variance was not contrary to the public interest, Dale Rook seconded the motion, and the vote of the Board was in the affirmative 5-0.

The spirit of the ordinance is observed;

Bill Balch made a motion to find that the spirit of the ordinance was observed. Kate Freeland seconded the motion, and the vote of the Board was in the affirmative 5-0.

Substantial justice is done;

Jason Bourne read from the *Zoning Board in NH*. Bill Balch made a motion to find that substantial justice was done. Dale Rook seconded the motion, and the vote of the Board was in the affirmative 5-0.

The values of the surrounding properties are not diminished; and

Dale Rook made a motion to find that the values of the surrounding properties were not diminished. Jason Bourne seconded the motion, and the vote of the Board was in the affirmative, 5-0.

Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

Caroline Storrs stated that she saw the age of the building as a hardship. The home was constructed before setback had been established in the Ordinance. No other property in the area

shares that circumstance. The use was reasonable. Bill Balch said that it was only one foot. Mr. Knight stated that he wanted to be sure that the ordinance was followed. Mr. Chichakly said that there must be conditions of the property that distinguish it from other lots in the surrounding area. The Board examined the definition of hardship in the Ordinance. Bill Balch made a motion to find that literal enforcement of the provisions of the ordinance would result in unnecessary hardship. Dale Rook seconded the motion. Jason Bourne asked about the meaning of fair as stated in the Ordinance. Mr. Chichakly stated that it would be the difference between the purpose of the ordinance and the case before the Board. Ms. Storrs called for a vote, and the vote of the Board was in the affirmative.

There being no further discussion, Ms. Storrs asked for a motion on the application. Jason Bourne made a motion to approve the application for the variance. Bill Balch seconded the motion, and the vote of the Board was in the affirmative 5-0.

Mr. Knight asked the Zoning Board about a driveway permit for a new curb cut on Lang Road. He was referred to the Selectmen's Office and the Road Agent.

Other Business

Ms. Storrs informed the Board that she had not heard anything about the Center Road construction within the setback. She does not believe a cease and desist was issued. She was concerned that FEMA funds could be in jeopardy. Ms. Storrs said that there was another building in back of the newly-constructed garage on center road between the garage and the brook. The Board discussed the various Overlay Districts as defined in the Cornish Zoning Ordinance. Ms. Storrs discussed various improvements to the Center Road property. The Board also discussed the building permit process.

Dale Rook made a motion to adjourn. Jason Bourne seconded the motion, and the vote of the Board was in the affirmative.

Respectfully submitted,
Heidi M. Jaarsma, Recording Secretary