

**Town of Cornish, New Hampshire
Zoning Board of Adjustment
Case 17-01
Public Hearing
January 2, 2017**

The Cornish Zoning Board of Adjustment met on Monday, January 2, 2017, at 6:30 pm in the Cornish Town Offices. Voting members present were Caroline Storrs, Chair, Bill Balch, Jason Bourne, Dale Rook, and Bruce Tracy. All present were voting members.

Also present were Doug Freeland and Kate Freeland, applicants, Will Brown, Mary O'Connor, and Rickey Poor.

Douglas and Katherine Freeland have applied for a variance concerning Article V, Section C, of the Zoning Ordinance. The applicants propose to build a 24'x24' garage on the property located at 3 Paget Road, Map 9, Lot 43, in Cornish, New Hampshire.

Background

Kate Freeland presented the plan. Paget Road is a three-rod road. The right of way was measured from the edge of the road, and the proposed addition will be 25' from the edge of the right of way. If the stone walls are used to measure the right of way, the proposed building will be approximately ten feet closer to the right of way. Ms. Freeland presented a letter of map amendment (LOMA) from FEMA granted to the property. Per the LOMA, the structure is not located within the floodplain.

Ms. Storrs read from Article VII, non-conforming structures. Jason Bourne asked if the addition of the garage qualified as an expansion of a non-conforming structure under Article VII.C. Ms. Storrs felt that the intent of the Article VII was to allow older structures to be expanded. A garage, she added, was a natural evolution of living in a house. The Board reviewed Article VII.C.1-4. The Board discussed the applicability of the ordinance to the case. Mr. Bourne stated that the meeting had been warned as a variance, and he felt that it should be addressed as a variance.

Mr. Bourne stated that the applicant had not shown the exact location of the edge of the right of way. As long as the Board would accept that the distance of the proposed structure from the edge of the right of way was not an exact measure.

The Board reviewed the criteria for a variance.

1. *The variance will not be contrary to the public interest.*
Ms. Freeland stated that there would be no impact visual or otherwise.
2. *The spirit of the ordinance is observed.*
Ms. Freeland stated that an effort had been made to stay as far from the road as possible.
3. *Substantial justice is done.*
Ms. Freeland stated that there were not many options to locate the garage.
4. *The values of the surrounding properties are not diminished.*

Ms. Freeland did not see how the value of the surrounding property would be diminished.

5. *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*

Ms. Freeland stated that legal nonconforming 2.09 +/- acre lot, the location of the house, the well, and the septic limited the ability to locate the garage in any other area.

Bruce Tracy asked if there would be any drains in the garage. Mr. Freeland stated that he did not believe there would be.

Ms. Storrs opened the floor to abutters. Ms. Poor said that she had come to learn more about the proposal and did not see any issues. Mary O'Connor supported the proposal.

Closed Discussion

Dale Rook moved to accept the proposal and grant the variance as presented. Bruce Tracy seconded the motion. Jason Bourne asked how the Board interpreted the fifth requirement of the variance. Bill Balch stated that it would be a hardship to not be able to construct an attached garage. Dale Rook stated that he accepted the statement that there was no other place on the property to locate the proposed garage. Ms. Storrs said that she felt the uniqueness of the property and the location of the house and supporting systems precluded building the garage in any other location. She felt that the variance was in the spirit of the ordinance. Ms. Storrs called for a vote, and the vote of the Board was in the affirmative, 5-0.

Other Business

The Board discussed Article VII.C of the Zoning Ordinance.

Bill Balch asked regarding the membership of the Board. Regular members are Caroline Storrs, Jason Bourne, Bill Balch, Bruce Tracy, and Jim Brown. Kate Freeland, Karim Chichakly and Dale Rook are alternates.

The Zoning Board requested a budget increase to reflect actual postage and advertising expenditure and noted that zoning board fees offset the increase.

Jason Bourne moved to adjourn. Bill Balch seconded the motion, and the vote of the Board was in the affirmative.

Respectfully submitted,
Heidi M. Jaarsma, Recording Secretary