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**TOWN OF CHESTERFIELD, NH
ZONING BOARD OF ADJUSTMENT
June 23, 2025**

Notice of Decision

You are hereby notified that at its Monday June 23, 2025 Zoning Board of Adjustment meeting and site visit, the Board continued its discussion on the application of Austin & Emma O'Hara who are requesting a variance from the Chesterfield Zoning Ordinance Article II, Section 203.5 to construct a deck and concrete walkway to be built extending into the front setback. The property is located at 31 White Birch Drive, Chesterfield, NH 03443. (Tax Map 4B, Block A, Lot 11).

A motion was made to approve the variance for 31 White Birch Drive to add approximately, a 5 foot by 11 foot slab and a 5 foot by 9 foot deck on the North side of the existing house.

The criteria for approval:

1. The Variance is not contrary to the public interest. Yes. The house sits in the setback already and the proposed slab and deck will be barely visible from the street and surrounding area.
2. The spirit of the ordinance is observed. Yes. The concept is not to create overcrowding or increase density and this does not increase density.
3. Substantial justice is done. Yes. There is no valid reason for not doing this because not doing this would not benefit other people.
4. The variance will not diminish the values of the surrounding properties. Yes. Enhancing the property would tend to increase the surrounding properties.
5. Literal enforcement of the ordinance would result in unnecessary hardship.
 - A. Because of the special conditions of the property that distinguish it from other properties in the area:
 - a. There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property. Yes. If they can't do this, they would have to create stairs to go up and down or use the intended dining area as a passageway.
 - b. The proposed use is a reasonable one. Yes. Putting a wrap around deck is a reasonable use.

The motion was seconded.

The vote was called: (3) Yes. (2) No. The motion passed.



Joe Hanzlik
Chairman
Zoning Board

Date: 6/26/2025

Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty days of the date of this decision. The necessary first step before any appeal may be taken to the courts, is to apply to the Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds on which you will base your appeal.

See New Hampshire Statutes, RSA Chapter 677

Note: Variance is based on oral and written intentions (including maps, plans, and written statements) and assurances of applicants and/or its representative and must be implemented in a way which adheres to those intentions and assurances. "The scope of a variance is dependent upon the representations of the applicant and the intent of the language of the variance at the time it is issued".

Town of Rye v. Ciborowski, III N.H. 77 (1971)

A site plan review may be required of the Chesterfield Planning Board, as a result of this decision