

**TOWN OF CHESTERFIELD, NH
ZONING BOARD OF ADJUSTMENT**

**SITE MINUTES
April 16, 2016**

Present: Chairman Burt Riendeau, Harriet Davenport, Lucky Evans, Kristin McKeon and Alternate Roland Vollbehrr

Aaron Roof requests a Variance from Article II Section 203.5 Section A of the zoning ordinance to permit a carport attached to existing garage. The property is located at 431 Atherton Hill Road, Spofford, NH 03462 (Map 8 Lot C21) Residential District. (This is a continuance from the Zoning Board meeting of April 12, 2016.)

Riendeau opened the meeting at 9:05 a.m. with four members present at the applicant's property at 431 Atherton Hill Road. Kimberly Roof, applicant's spouse, was in attendance at this meeting.

Davenport stated that the carport, that has already been constructed, was well done and is esthetically pleasing from the road. There seems to be some typography issues with this property, one being a utility pole. There is a row of trees between the road and the building. There doesn't seem to be any safety issues with the structure.

McKeon stated the unpermitted structure that was added to the left side of the barn is the same width as the carport structure and technically carport could have been built in that area had that not already been built. McKeon stated that this may be a self-created hardship. Riendeau noted that this is a conforming lot and our zoning is to keep it conforming. He added that the structure was built without a permit and there are other areas on the lot that the structure could have been built to keep the lot in conformance without going into the setback. Riendeau notes that there is no hardship. He noted that there is a pattern on this lot with construction taking place without permit and two of these buildings were built without permits. Evans stated that the owner has not complied with the town ordinances.

McKeon moved to deny the Variance request from Article II Section 203.5 Section A of the zoning ordinance made by Aaron Roof to permit a carport attached to existing garage at 431 Atherton Hill Road in Spofford, NH.

Criteria for approval:

- 1. The variance is not contrary to the public interest.** No. There is a conforming lot.
- 2. The variance will not be contrary to the spirit and intent of the ordinance.** No. Without the carport, there are other places to place the carport that would not go into any setbacks. The board is trying to make lots more conforming and not less.
- 3. Substantial justice is done.** No. There are other places on the property to put the carport outside the setback.
- 4. The variance will not diminish the values of surrounding properties.** Yes.
- 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.

No, there is no hardship found.

And

(b) The proposed use is a reasonable one. No. This is a conforming lot and this would make the lot nonconforming.

Evans seconded the motion.

Discussion:

Vollbehr noted that this is a well built structure and there are other areas that it could have been built. The zoning laws should be followed. If the normal process was followed the structure would not exist.

The vote was called. Yes – 5. The motion passed unanimously.

Riendeau stated that it will be up to code enforcement to process the issues for the non-permitted structures on the property. It was noted that the permit fees are doubled on the other structures if they are built to code.

Adjourn: *McKeon made a motion to adjourn the meeting. Davenport seconded the motion, which carried unanimously.* The meeting adjourned at 9:25 a.m.

Respectfully submitted,
Patricia Grace
Secretary

Approved

Burt Riendeau
Chairman, Zoning Board of Adjustment

Date _____