



Fremont Board of Adjustment
June 24, 2014
Meeting Minutes

Members present: Chairman Doug Andrew, Members John (Jack) Downing, Dennis Howland, Alt Leon Holmes, Sr., and Alt/recording Secretary Meredith Bolduc.

Mr. Andrew opened the meeting at 7:00 pm.

At the August 25, 2009 meeting Mr. Andrew designated Alternate Meredith Bolduc to fill the vacancy on the Fremont Board of Adjustment until such time as the Selectmen have appointed someone to serve as a full Board Member to fill that vacancy. That appointment remains in effect.

At the May 27, 2014 meeting Mr. Andrew designated Alternate Leon Holmes, Sr. to fill the vacancy on the Fremont Board of Adjustment until such time as the Selectmen have appointed someone to serve as a full Board Member to fill that vacancy. That appointment remains in effect.

MINUTES

Mr. Downing made the motion to accept the minutes of the May 27, 2014 meeting as written. Motion seconded by Mr. Howland with favorable vote.

Case #014-004-B
Kevin Griffith
594 Main Street, Map 2 Lot 154
Public Hearing

Present: Owner Kevin Griffith, Kimberly Griffith

Mr. Andrew opened this Public Hearing at 7:30 p.m. and stated that this is a continuation of the May 27, 2014 Public Hearing which was continued to allow time for a site visit.

Site Visit: June 5, 2014

Present: Members Douglas Andrew, Dennis Howland, Leon Holmes, Sr., Owner Kevin Griffith, Kimberly Griffith, Steve Theori, and Alt. /Recording Secretary Meredith Bolduc.

The Group met at the site at 5:00 pm and viewed the existing home as well as the area for the

proposed addition. They saw the 15' proximity of the existing home and proposed building addition to the street (Rt 107) property line and noted that most of the homes in the area are as close to the street, some closer, although these were older structures.

The group left the premise at approximately 5:15 pm.

Variance

014-004-B

Mr. Andrew explained the procedure for a Variance and that RSA 674:33 directs that five conditions must be met in order for a Variance to be granted.

- (1) The variance will not be contrary to the public interest;
- (2) The spirit of the ordinance is observed;
- (3) Substantial justice is done;
- (4) The values of surrounding properties are not diminished; and
- (5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

He then read Article IV Section 1 as set forth in the Fremont Zoning Ordinance.

The Board reviewed the same hand drawn plan that Mr. Griffith presented at the May 27, 2014 portion of this Public Hearing. This plan showed the locations of the existing house, proposed addition, septic tank, well, shed and wood shed. It also showed the house side and front setback delineations. As in his cover letter, Mr. Griffith said that his "*application for a Variance is for a building extension (addition) to my home. The size of the addition will be 24' x 26' (a total of 624 sf) on the east end of the house. The house was built back in the 60's and when we purchased it we were unaware of the setback violation.*"

According to the survey drafted by Dennis Quintal of Civil Construction in Newton NH dated April 2010 the existing structure is approximately 15' from the street property line of Rt 107. This property was created prior to 1987 so the setbacks should be 30'. This prompted a discussion relative to the requested variance for 4', but the actual variance needed is 15'.

There was a discussion relative to the fact that most of the homes along Rt 107 in the area of Mr. Griffith's property appear to be as close, and some closer, to the street than his, although these were mostly older structures. The request is to allow construction of an addition in line with the existing house. It would be no closer to the street property line than the existing building. Mr. Holmes said that the closest point of the addition from the street property line would be is 15' and that it angles away from the road so it would gain setback footage.

With little more discussion Mr. Andrew read the five conditions of a Variance with the applicants written statements that were submitted with the application and stated at this hearing. (Mr. Griffith's answers are in *italics*) The Board's vote follows each condition.

1. Granting the variance would not be contrary to the public interest because:

We would like to add on to the existing home and not changing the characteristics of the neighborhood. Construction will not be any closer than what already exists.

The Board Members collectively agreed that granting of the Variance would not alter the character of the neighborhood, threaten public health, safety or welfare, or otherwise injure “public rights” therefore would not be contrary to the public interest.

Board’s vote:

Mr. Andrew	yes
Mr. Downing	yes
Mr. Holmes	yes
Mrs. Bolduc	yes
Mr. Howland	yes

2. The use is not contrary to the spirit of the ordinance because:

We are not building any closer than the existing home.

Discussion: Mr. Howland said the spirit of the ordinance is to not make it more crowded than it is, in this case along Rt 107, therefore he believes that granting this Variance would not be in the spirit of the ordinance.

The majority of the Board Members agreed that granting of the Variance would not alter the character of the neighborhood, threaten public health, safety or welfare, or otherwise injure “public rights” therefore would not be contrary to the spirit of the ordinance.

Board’s vote:

Mr. Andrew	yes
Mr. Downing	yes
Mr. Holmes	yes
Mrs. Bolduc	yes
Mr. Howland	abstained

3. Granting the Variance would do substantial justice because:

We gain more space for our family without affecting anyone in the neighborhood.

The Board Members collectively agreed that granting of the Variance would not cause harm to the general public or to other individuals therefore it would do substantial justice in that the benefit to the owner is not outweighed by harm to the general public or to other individuals.

Board’s vote:

Mr. Andrew	yes
Mr. Downing	yes
Mr. Holmes	yes
Mrs. Bolduc	yes
Mr. Howland	yes

4. The proposed use would not diminish surrounding property values because:

We are adding on to our existing home which will bring the value of our home and surrounding homes up.

The Board Members collectively agreed that granting of the Variance would not diminish the values of surrounding properties.

Board's vote:

Mr. Andrew yes
Mr. Downing yes
Mr. Holmes yes
Mrs. Bolduc yes
Mr. Howland yes

5. Literal enforcement of the Ordinance would result in unnecessary hardship to the owner.

Because of special conditions of the property that distinguish it from other properties in the area: (A)

(i) There is no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of the provision to the property:

Unknown to us when we purchased, the house was built in violation of the setback ordinance at the time. The existing septic system, gas & water lines prevent a reasonable addition towards the back. The location of the house has created an unnecessary hardship.

Board's vote:

Mr. Andrew yes
Mr. Downing yes
Mr. Holmes yes
Mrs. Bolduc yes
Mr. Howland yes

and

(ii) The proposed use is a reasonable one.

Because the house was originally built too close, we feel the proposed addition is reasonable because it will not diminish from the character of the neighborhood.

Board's vote:

Mr. Andrew yes
Mr. Downing yes
Mr. Holmes yes
Mrs. Bolduc yes
Mr. Howland yes

There was a discussion relative to conditions of approval:

- No portion of any structure shall be constructed closer than fifteen (15) feet to the Street property line of Rt 107. It was agreed that this pertains to the current Variance request.
- Mr. Howland said Mr. Griffith's request for a Variance is to be allowed to construct a 24' x 26' (a total of 624 sf) addition to his home closer than the required 30' to the street property line. He said he believes any future additions or improvements should be required to conform to the 30' setback requirement. The other Members all agreed. Mr. Griffith said he understands and agrees with the condition.

With no further discussion, Mr. Howland made the motion that, based on the information presented and the results of the Boards' vote on the five conditions of a Variance, the Fremont Zoning Board of Adjustment grant to Kevin Griffith a Variance of fifteen (15) feet to the terms of Article IV Section 1 as set forth in the Town of Fremont Zoning Ordinance, to allow a twenty four (24) x twenty six (26) foot addition onto the existing home on property located at 594 Main Street, Map 2 Lot 154, closer than thirty (30) feet to the street property line of Rt 107 and with the following conditions:

1. No portion of any structure shall be constructed closer than fifteen (15) feet to the street property line of Rt 107.
2. No further or future improvements shall be allowed closer than thirty (30) feet to the street property line of Rt 107.
3. This approval is subject to all other Local, State or Federal permits and approvals that may be required, and does not relieve the applicant from the obligation to obtain such other permits.
4. This decision shall be recorded with reference to the current deed and shall be included in any subsequent deeds to this parcel or subdivision of this parcel.
5. RSA 676:17 shall apply.

Motion seconded by Mr. Downing with unanimous favorable vote.

Mr. Andrew declared the Variance granted and the applicant was advised that there is a thirty (30) day appeal period. Mr. Andrew also stated that the notice of decision of this action will be recorded at the Rockingham Registry of Deeds and will be referenced to the property deed.

The applicant agreed to submit payment for the recording fees.

At 7:50 pm Mr. Howland made the motion to close this Public Hearing.

Motion seconded by Mr. Downing with unanimous favorable vote.

CORRESPONDENCE

There was no incoming correspondence received.

There was a conversation about the recent 250th celebration of the Town and the events that went on over the past weekend.

ZBA Meeting Minutes - 06-24-14
Approved September 30, 2014

At 8:05 pm Mr. Downing made the motion to adjourn.
Motion seconded by Mr. Howland with unanimous favorable vote.

Next meeting: scheduled for July 22, 2014.

Respectfully submitted,

Meredith Bolduc,
Land Use AA/Recording Secretary