

Minutes
Hill Zoning Board of Adjustment
08 January 2008 7

Board members present: Robert Helmers, Mike Brady, Dave Kane
Applicant: Rhonda Bucklin,
Members of Public

Public meeting and the public hearing for the variance application by Michael and Rhonda Bucklin opened at 7:05 p.m.

Rhonda Bucklin explained that they were applying for a variance from the frontage requirement because the lot had only 100 feet of frontage, less than the required 200 feet. The Bucklins wish to build a single family residence on the 25 acre lot. The location of the building will be well away from the road. The driveway has already been improved. They had applied for a building permit but were denied because the lot did not have sufficient frontage. The lot had been created before the adoption of the Hill zoning ordinance.

There were no abutters present and none of the abutters had responded by mail. Members of the public that attended the hearing were all in favor of approval of the variance and the board received one letter, also urging the board to approve the variance. Questions emerged wondering if the property was grandfathered and that refusal of the variance would effectively make the property worthless. Public was informed that there was no grandfather clause for the rural residential district.

Rhonda noted that there were very few driveways on that part of Lynch Road and that the subdivision that created the existing lot intended the lot to be used for a single family residence. The covenants of the subdivision were somewhat restrictive, requiring homes to be set further back from road than current zoning setbacks and restricted the right to subdivide the lots, intending to maintain rural atmosphere. Following inquiry, Rhonda stated that she would be willing to accept deed restrictions forbidding further subdivision of the parcel.

There were no further comments and the public hearing was closed at 7:20 p.m. All members of the public then left except for Rhonda Bucklin who remained as the board began deliberation on the application.

The board made a list of the findings of fact:

1. The lot was created prior to adoption of a zoning ordinance by the town
2. The lot was provided with 100 feet of frontage
3. The lot has a long narrow access to the bulk of the land area in the rear
4. The applicants propose to build a single family residence in the rear of the property, well away from and not visible from the road
5. The proposed use is consistent with the current zoning ordinance

The board then reviewed the test criteria for a dimensional variance. The board found that the granting of the variance is not contrary to the spirit of the zoning ordinance, would not diminish the value of adjacent property, and does not create greater safety risks for traffic on Lynch Road. The value of the property would likely be considerably less if a variance could not be granted and it was the opinion of the board that there would be little or no public benefit from denying a variance. Special conditions pertaining to the property include that it was created prior to the zoning ordinance and intended for use as a single family residence. The narrow frontage and long

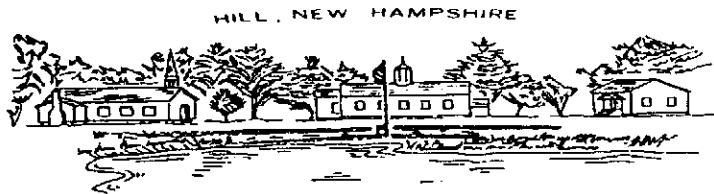
access necessitate that any dwellings be built far removed from the road. The combined frontage of this parcel and the two adjacent parcels is over 1000 feet. Current zoning rules basically allow for a driveway every two hundred feet, such that three driveways in 1000 feet of frontage is a lower density than currently allowed by the zoning ordinance. Given the unique conditions of this property, the board of adjustment granted approval of the variance of the 200 foot frontage requirement for this property.

The board reviewed and adopted a new application for variances to comply with recent changes in law relating to zoning, namely Simplex and Boccia. The board also adopted applications for special exceptions, equitable waivers and administrative appeals.

Public meeting adjourned at 7:55 p.m.

Robert Helmers
Chairman
08 January 2007

Town of Hill
Zoning Board of Adjustment
P.O. Box 236
30 Crescent St.
Hill, NH 03243



NOTICE OF DECISION

Case No: R4 Lot 13 2007 Bucklin

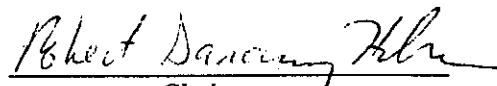
You are hereby notified that:

a variance of Article V Rural Residential District Section C. 1. of the Hill zoning ordinance, the 200 foot road frontage requirement, as requested by Michael and Rhonda Bucklin for a property on Lynch Road (Tax Map R4 Lot 13)

has been **GRANTED**, subject to the conditions listed below, by the affirmative vote of at least three members of the zoning board of adjustment.

CONDITIONS:

None



Chairman,
Board of Adjustment

09 Jan. 2007
Date

Note: The selectmen, any party to the action or any person directly affected has a right to appeal this decision. See New Hampshire Revised Statutes Annotated, Chapter 677. This notice has been placed on file and made available for public inspection in the records of the ZBA. Copies of this notice have been distributed to: the applicant, Board of Selectmen and Town Clerk.