

Town of Westmoreland

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Sent: Wednesday, April 12, 2006 6:39 PM
Subject: ZBA minutes

FINDINGS OF FACTS**BOARD OF ADJUSTMENT, Westmoreland, New Hampshire**

Hearing held at 7:30 on April 11, 2006 at Westmoreland Town Hall
Concerning a request by Regina Ochs
For a Special Exception and/or Variance
Concerning Article II, Section 206, Table 505 (front yard setback) of the Westmoreland Zoning Ordinance

Applicant proposes to construct a 31' x 22' deck on to the present home.

On property located at 657 South Village Road (Tax Map R-15, Lot 5)

In the Rural Residential zone

Summary of the facts of the case discussed at the above public hearing:

All 5 ZBA members and one alternate were present at this hearing.

After discussion the board agreed that the situation called for a dimensional variance rather than a special exception as the criteria for a special exception could not be met.

The board found that there would not be a diminution in value of surrounding properties as a result of granting this variance because the deck will not be seen from the road.

The granting of this variance would not be contrary to the public interest because the public will not be affected by this. The house is a grandfathered non-conforming building having been built too close to the road by current zoning standards. The proposed construction is planned so as to not make the building more non-conforming with the deck being placed behind the current building.

By granting this variance substantial justice would be done because there is no injustice to the public.

The use contemplated by the petitioner as a result of obtaining this variance would not be contrary to the spirit of the ordinance because if the house had been built farther from the Class VI (non-maintained) road no variance would be necessary.

The motion was to grant the variance as requested, made by Brian Merry, seconded by John Burt and approved unanimously.