

DEERING ZONING BOARD OF ADJUSTMENT

762 Deering Center Road
Deering, N.H. 03244

NOTICE OF DECISION

Re: Case No. 2021-01

You are hereby notified that following a public hearing held on April 22, 2021, at the Deering, New Hampshire, Town Office, a request by Robert and Linda Carter, Trustees, Carter Family Revocable Trust ("Applicant"), for a variance from the Deering Zoning Ordinance Article 4, Section 4, Paragraph 10 (e), was **GRANTED** by the Deering Zoning Board of Adjustment by a vote of 5-0.

The property in question is property located at 211 Lake Shore Road, and is shown on the Deering Tax Map 228, Lot 68.

The Applicant seeks to construct of a single story 24' x 26' garage with additional driveway, where the garage and additional driveway will result in impervious surface lot coverage ("ISLC") of 24%, whereas the maximum ISLC allowed is 20%.

The variance is granted subject to the following conditions:

1. All development shall conform to the dimensions, construction sequence, equipment and material specifications shown on the latest version of any plan or plans submitted by, or on behalf of, the Applicant.
2. All representations made by, or on behalf of, the Applicant shall be deemed to be conditions of the approval.

In support of this decision, the Board has made the following findings of fact and conclusions of law:

1. The Board held a public hearing on April 22, 2021.
2. The Property is a pre-existing non-conforming lot of record. The Property is approximately 0.46 acres, with 120 feet of frontage.
3. The Property is currently developed with a single-family home and associated appurtenances, including a driveway and retaining wall.
4. The existing ISLC on the Property is 18.2%.
5. The proposed garage will add 624 square feet of ISLC; the proposed additional gravel driveway will add 568 square feet of ISLC.
6. Together the proposed garage and additional driveway will add an additional 5.8% of ISLC, resulting in a total ISLC of 24%.

7. The Applicant has previously obtained all other necessary permits and approvals for the proposed garage and additional driveway, including NH DES and Planning Board approval; the ZBA previously granted a setback variance for this same project in ZBA Case 2020-03.
8. The ZBA questioned the efficacy of including a gravel driveway within the ISLC calculation; the ZBA noted that the ISLC would be 21.2% if only the proposed garage were included.
9. The only area of concern was in regard to the cumulative impact of surface water runoff on the water quality of Deering Reservoir should the variance be granted; however, the garage was engineered with infiltration trenches to mitigate roof water runoff.
10. There did not appear to be any other drainage or water runoff issues relative to either garage or the additional driveway.
11. One (1) abutter testified at the hearing, who spoke in favor of the application, indicating no objections relative to either runoff or aesthetics; no one appeared in opposition.
12. Based on the small size of the lot, together with the reasonableness of the proposed use, and the specific water runoff mitigation measures included in the development, the Board granted the variance.
13. Granting the variance would not be contrary to the public interest, alter the essential character of the neighborhood, or threaten the public health, safety or welfare.
14. Granting the variance, with the conditions imposed, would be consistent with the spirit and intent of the ordinance.
15. Substantial justice will be done by granting the variance.
16. Granting the variance would not diminish surround property values.
17. Under the unique circumstances of this case, literal enforcement of the ordinance would result in an unnecessary hardship.

Dated: April 28, 2021

/s/ David E. LeFevre
Chairman, Zoning Board of Adjustment

Note: Any party or any person directly affected by the Board's decision has a right to appeal. Anyone wishing to appeal must act within thirty (30) days of the date the Board's vote was taken. The necessary first step, before any appeal may be taken to the courts, is to file a

motion for a rehearing with the Zoning Board of Adjustment. The motion must set forth all of the grounds upon which the appeal will be based. See New Hampshire Revised Statutes, Chapter 677 for details.