

DEERING ZONING BOARD OF ADJUSTMENT

762 Deering Center Road
Deering, N.H. 03244

NOTICE OF DECISION

Re: Case No. 2020-03

You are hereby notified that following a public hearing held on October 22, 2020, 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 1, Paragraph 4 (a), was **GRANTED** by the Deering Zoning Board of Adjustment by a vote of 4-0.

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 construction of a single story 24' x 26' garage with a concrete floor, where the garage is not permitted due to building setback restrictions, whereas 50 feet is required from the edge of the right-of-way, and as proposed there is only 21 feet.

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.
3. Applicant shall obtain all other necessary state and local permits from NH DES and the Deering Planning Board as may be required.
4. The garage shall not be utilized for residential purposes.

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 October 22, 2020.
2. Prior to commencement of the public hearing, the Applicant was informed that there were only four (4) Board members present, and was given the opportunity to reschedule the hearing to a later date with a full five (5) member Board. The Applicant elected to proceed with only four (4) members of the Board present.
3. The Property is a pre-existing non-conforming lot of record. The Property is approximately 0.46 acres, with 120 feet of frontage.

4. The proposed location of the garage is the furthest location away from Deering Reservoir possible given the topography of the Property, septic field, and an existing stone wall.
5. While the proposed garage is setback 21 feet from the edge of the right-of-way, it is setback 42 feet from the edge of the road as traveled, at an elevation approximately 15 feet below the elevation of the right-of-way.
6. There do not appear to be any drainage issues relative to the proposed garage.
7. One (1) abutter testified at the hearing, who spoke in favor of the application, indicating no objections relative to either runoff or aesthetics.
8. Based on the small size of the lot, together with the reasonableness of the proposed use, the Board granted the variance.
9. 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.
10. Granting the variance, with the conditions imposed, would be consistent with the spirit and intent of the ordinance.
11. Substantial justice will be done by granting the variance.
12. Granting the variance would not diminish surround property values.
13. Under the unique circumstances of this case, literal enforcement of the ordinance would result in an unnecessary hardship.

Dated: October 28, 2017

/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.