



Town of Hebron
Zoning Board of Adjustment
P.O. Box 188
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NOTICE OF DECISION

Date: May 14, 2013
Case No. 259

You are hereby notified that after a hearing on May 14, 2013, the application of James Owen, Laura Rudolph-Owen, James McNally, and Kristin Biber for a VARIANCE from building setback requirements under Article IV, Section H.1, of the Town of Hebron Zoning Ordinance has been GRANTED by the vote in the affirmative of at least three members of the Zoning Board of Adjustment. The applicants propose to replace their current deck with a new deck, both within a boundary setback area on their property at 9 Stonegate Road (Tax Map/Lot SG-23-07). The new deck will be 16 feet long by 16 feet wide and no closer than eight feet to the boundary line.

The approval of the variance is based on the Board's unanimous decision that all five criteria for granting a variance were satisfied in this case. More specifically, the Board found that the applicants satisfied the hardship criterion in that the unique configuration of the lot leaves them no other reasonably feasible building alternatives, and the current deck configuration poses a safety hazard to users from casement windows opening to the deck. The Board members concluded that granting a variance would be consistent with both public interest and spirit of the Hebron Zoning Ordinance, do justice, and certainly not diminish neighboring property values. The members found that the current deck extends right to the boundary line; the new deck will be set back at least eight feet from the boundary line. Therefore, the new deck will be less nonconforming.

The Board's approval of the variance is subject to the following conditions:

Construction will meet all requirements of the Water Supply and Pollution Control and Zoning Ordinance of the Town of Hebron.

Any variance approving a use that has not commenced within one year from the granting of said variance will lapse.

A copy of an approved building permit obtained from the Board of Selectmen will be submitted.

Signed this day,


Peter N. Carey
Chairman, Zoning Board of Adjustment

Any person affected by the Board's decision has a right to appeal its decision. If you wish to appeal, you must act within thirty (30) days of the date of this notice. The necessary first step, before any appeal may be taken to the courts, is to apply to the Zoning Board of Adjustment for a rehearing. The motion for a rehearing must set forth all the grounds on which you will base your appeal. See New Hampshire Revised Statutes Annotated (NH RSA), Chapter 677, for details.