

Town of Hebron

PO Box 188

Hebron, NH 03241

Phone: 603-744-2631

exccassist@hebronnh.org

NOTICE OF DECISION

Date: November 19, 2013

Case No: 263

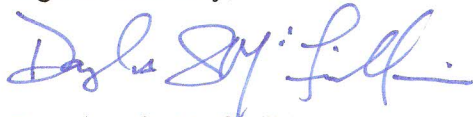
You are hereby notified that following a hearing on November 19, 2013, the application of Judy Rogers, Trustee of the Braley Family Irrevocable Trust, for a VARIANCE from Article IV (General Provisions), items K (limit of one family dwelling per two acres of useable land) and R (requirement for a building permit for change of use of a building) of the Hebron Zoning Ordinance, has been DENIED by a majority vote of the members of the Zoning Board of Adjustment. The applicant proposed to obtain an "as built" building permit for the conversion of a workshop/shed located at 67 Groton Road (Tax Map 17, Lot 49), previously converted to a detached bedroom under the provisions of a building permit issued by the Town of Hebron in 1996, to a complete separate dwelling unit on a lot of 1.0 acre in size on which another dwelling unit already exists.

The denial of the variance is based on the Board's majority decision that four of the five criteria for granting a variance were not satisfied. Specifically:

- The Board failed to find, by a vote of 3 to 2, that the variance not be contrary to the public interest. No unique conditions were presented by the applicant to exempt the property from the public interest reflected in the current Zoning Ordinance that increased the requirement from one acre to two acres per dwelling unit.
- The Board failed to find, by a vote of 4 to 1, that the variance satisfied the spirit of the Zoning Ordinance. The Hebron Master Plan focuses on the need to maintain the rural character of the town and the need to control property density. The Zoning Ordinance, in 1996 as now, codifies this objective by limiting the number of dwelling units permitted on a single buildable lot to one per acre (in 1996) and one per two acres presently.

- The Board failed to find, by a vote of 3 to 2, that the variance satisfied the criterion that substantial justice is done. The 1996 building permit allowed conversion of the structure from a workshop to a detached bedroom for sleeping accommodations beyond the capacity of the main dwelling. However, the applicant expanded the use to a complete second dwelling unit in violation of the permit and provisions of the Zoning Ordinance then in place.
- The Board found, by a vote of 4 to 1, that the values of surrounding properties are not diminished. The structure has existed in its present dimensions and location for at least 20 years, whether as a workshop, a legal detached bedroom or an illegal apartment, and will remain so regardless of its status. Also, none of the abutters to 67 Groton Road opposed the variance application.
- The Board failed to find, by a vote of 3 to 2, that literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. The property at 67 Groton Road, including the dwelling and an accessory building, was fully compliant with the Zoning Ordinances in place prior to 1996, and remained so following the conversion of the accessory building to a separated bedroom under the terms of a 1996 building permit.

Signed this day,



Douglas S. McQuilkin
Vice Chairman, Zoning Board of Adjustment