



Town of Hebron
Zoning Board of Adjustment
PO Box 188
Hebron, NH 03241-0188
Phone: (603) 744-2631
adminassist@hebron.org

NOTICE OF DECISION

Date: November 14, 2017
Case No. 272

You are hereby notified that after a hearing on November 14, 2017, the application of James and Gillian Van Schaick for a VARIANCE under the shore setback requirements of Article IV, Section P, of the Hebron Zoning Ordinance has been APPROVED by at least three members of the Zoning Board of Adjustment. The applicants propose to demolish their existing house and construct a new house, a portion of which will be situated in the 50-foot shore setback area on their 10 Vista Drive property (Map #7, Lot #HP-15). A 285.2 square foot portion of the existing house already lies within the shore setback area, 38.8 feet from the lake shore reference line. The new house will be located at the same distance from the reference line, but slightly twisted on the existing house footprint such that there will be only 143.9 square feet remaining in the setback area. Current and proposed structures are depicted in a B.A. Barnard Enterprises, Inc. plan submitted to the Board on November 14, 2017.

The Board's approval of the variance in this case is based on its unanimous decision that all five criteria for granting a variance were satisfied in this case. Most importantly, the Board found that the applicants' plans call for a house that intrudes less into the shore setback area than their current house and is, therefore, less nonconforming under state and local shoreland regulations. The Van Schaicks' current proposal is more in keeping with the spirit of the Zoning Ordinance and public interest in preserving the shore setback areas. The applicants satisfied the hardship criterion to the extent that they demonstrated to the Board's satisfaction that the unique size and layout of their lot leave them no other reasonably feasible building alternative. Finally, the Board concluded, based on the architectural plans presented at the hearing, that the proposed house will not only not diminish the value of neighboring properties, but will significantly and positively affect those property values. The Board's approval of the variance is subject to the following conditions:

1. The applicants will secure any DES or other state permits required.
2. Construction will meet all requirements of the Water Supply and Pollution Control and Zoning Ordinance of the Town of Hebron.
3. Any variance approving a use that has not commenced within one year from the granting of said variance will lapse.
4. 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, but must do so 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 the appeal is based. See New Hampshire Revised Statutes Annotated (NH RSA), Chapter 677, for details.