



Town of Hopkinton

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HOPKINTON ZONING BOARD OF ADJUSTMENT MINUTES MARCH 4, 2014

Chairman Janet Krzyzaniak opened the Hopkinton Zoning Board of Adjustment meeting of Tuesday, **March 4, 2014, at 6:30 PM in the Hopkinton Town Hall**. Members present: Toni Gray, Daniel Rinden and Gregory McLeod.

Note: The Zoning Board of Adjustment's Rules of Procedure was available during the application process and additional copies were available at the meeting for the general public.

I. Application(s).

#2014-1 Jennifer M. Balkus Variance to permit the owner/operator of a proposed Bed and Breakfast Inn at 11 Hopkins Green Road to reside off-premises. Special Exception (#2014-2) to permit the operation of a Bed and Breakfast Inn at 11 Hopkins Green Road. The property is located in the R-4 district, owned by John and Jennifer Balkus, shown on Tax Map 251 as Lot 14. The application was submitted in accordance with Zoning Ordinance subsection 2.1.B.2.b and Table of Uses 3.6.B.3.

Mr. and Mrs. Balkus addressed the Board by presenting a map, drawn in the 1930's, of the property at 11 and 13 Hopkins Green Road. The property was formerly owned by Jack and Mary French and was once operated as a farm with a farmhouse, bunkhouse, cattle barn and gardens.

The property at 11 Hopkins Green Road wraps around property at 13 Hopkins Green Road, which is a second home owned by Mr. and Mrs. Balkus in which they currently reside in. Mrs. and Mrs. Balkus believed that when supervising the property at 11 Hopkins Green Road (Bed and Breakfast Inn) the property at 13 Hopkins Green Road is the best location to be able to view the proposed Bed and Breakfast Inn. The property is located on a hill overlooking what will be the Bed and Breakfast Inn. However, if they were required to live at the Bed and Breakfast Inn they would most likely live in that portion of the home that is considered the ell. In that location they would be unable to see the pool or other parts of the Inn and property.

Mrs. Balkus explained how the property at 11 Hopkins Green Road will continue to be utilized for residential/agricultural purposes which are consistent with the spirit of the Ordinance. It is anticipated that the Bed and Breakfast Inn will have four or five suites. The exterior of the property will be improved to include revitalizing the gardens and eventually incorporating some farming activities such as having chickens for their eggs. There is an existing barn that is already set-up for cows; however, the former owners used the barn for peacocks, chickens and goats. Mrs. Balkus went on to explain the history of the two properties. The Balkus residence at 13 Hopkins Green Road was at one time used as a bunkhouse and the residence at 11 Hopkins Green Road (Bed and Breakfast Inn) was once the main farm house. It was later in life when the two residences were split from one another.

Minutes subject to review and approval.

For the record, the Applicant's written response to the criterion for a Variance as outlined in Section XV of the Zoning Ordinance is as follows:

- 1. The proposed use would not diminish surrounding property values because:** "Granting the Variance to allow the owners and operators of this Bed and Breakfast Inn to reside in the adjacent property would not diminish surrounding property values because of the proximity and integration of the adjacent property (#13) and the Bed and Breakfast Inn property (#11). For almost 200 years, the #13 was part of the #11 property. We understand that the home on #13 was used as the farmhand's residence. The way the two homes are situated illustrates how the farmhand's home at #13 was built to be part of the whole: it is located very close to the original farmhouse (89 steps door to door); it is almost as close to the barn as the original farmhouse; it is closer to the pool and fields than the original farmhouse. The operation and management of the original farm property from the farmhand's house appears intentional by its location. A Variance that allows the operators of the proposed Bed and Breakfast Inn to reside in a former outbuilding of the original farm would not diminish surrounding property values."
- 2. Granting the Variance would not be contrary to the public interest because:** "Granting the Variance would not be contrary to the public interest because it would allow permitted and excepted use of both properties without any adverse effects."
- 3. By granting the Variance substantial justice would be done because:** "Substantial justice would be done by granting the Variance because it would allow the owners to earn the highest return on their investment and allow the greatest use for the public." Furthermore, granting the Variance will allow the owners to use four of the bedrooms, rather than three thereby creating additional needed accommodations.
- 4. The spirit and intent of the Ordinance will not be broken by granting the Variance because:** "The spirit and intent of the Ordinance would not be broken by granting the Variance because the purposes for requiring the owners of a Bed and Breakfast Inn to reside on the property would all be met by allowing the residence to be in the adjacent property. Because of the integration of the two properties, the owner/operations of the Bed and Breakfast Inn are as able to maintain the safety and general welfare of town residents surrounding the proposed Bed and Breakfast Inn. The adjacent property looks down and over the rear of the proposed Bed and Breakfast Inn property, and has a much better view of the grounds, barn and pool of the Bed and Breakfast Inn property than that from the Bed and Breakfast Inn itself. The adjacent property is the buffering property between the Bed and Breakfast Inn and most of the surrounding premises. Fire, noise, or other improper use of the Bed and Breakfast Inn property by guests can readily be seen and monitored from the adjacent property.

If the Variance was granted and the owners resided in the adjacent property, the proposed Bed and Breakfast Inn could not contain more dwelling units than permitted; there are only six bedrooms in the house."
- 5. Literal enforcement of the Ordinance results in unnecessary hardship.** "The purposes of this Ordinance are to promote the health, safety, convenience and general welfare of the inhabitants of the Town of Hopkinton, to protect and conserve the value of property, to encourage the most appropriate use of land throughout the Town and to promote efficiency

and economy in the process of development by securing safety from fire, panic and other dangers, by providing adequate areas between buildings and various rights-of-way, by preserving the character of the Town, and by promoting good civic design and arrangements, wise and efficient expenditures of public funds, and the adequate provision of public utilities and the other public requirements, and by other means. For the R-4 zone, the identified purpose is residential/agricultural: The intent of this district is to provide for open space conservation, agricultural use, and predominantly very low density residential development on individual lots or in conservation subdivisions, which can be accommodated on the land without major disruptions of the natural terrain, vegetation, watercourses or surface drainage and which would not customarily have Precinct water and sewer systems.

Because of the special conditions of the property, a requirement that the owner reside in it is not necessary to the general purpose of the Ordinance. With the owners and operators of the Bed and Breakfast Inn residing in the adjacent integrated property, the Bed and Breakfast Inn still maintains a low density, residential use with preservation of open space, and watercourses. If the owners are granted the Variance to reside in the adjacent property, the result is actually fewer people in regular use of the property. If the owners cannot reside in the adjacent property, that home would have to be sold and rented or otherwise resided in by more people. For this specific property, it is reasonable for the owner/operators to reside behind the Bed and Breakfast Inn and farm, with better ability to monitor the entire property.”

Mrs. Balkus then reviewed the goals of the Hopkinton Master Plan. In particular, she noted that when the residents were surveyed the majority wanted a mix of light commercial in the residential areas without compromising the rural character. She suggested that the proposals are consistent with the Master Plan.

For the record, the Applicant’s written response to the criterion for a Special Exception as outlined in Section XV of the Zoning Ordinance is as follows:

- 1. Standards provided by this Ordinance for the particular use permitted by Special Exception.** “As the historic farmhouse on the property has already operated as a lodging facility (1930’s – 40’s, known as Irish Lodge), no substantial modifications need to be made to the exterior of the building. If the property is used as a Bed and Breakfast Inn home, with a maximum of three bedrooms for guests, then the only exterior modifications would be to the grounds to clear overgrown areas. If the property is used as a bed & breakfast Inn, then (as we understand right now – subject to further clarification) one exterior stairway would have to be added to the rear of the building. The farmhouse is approximately 4,400 square feet, falling appropriately within the requirements of the Ordinance. The surrounding area includes many other large historic homes with a similar number of bedrooms. There are enough bedrooms (or ‘Dwelling Units’) to accommodate both guests and ourselves. Additionally, our current four bedroom home, formerly included in the original farm property, is adjacent. The property includes a two car garage, plus existing parking space for at least four vehicles. With a small amount of clearing an overgrown area beside the existing driveway, additional parking space would be easily available. If any meal is served, breakfast would be the only meal served to guests. As we understand from the former owners of the property, John and Mary French, the septic system was installed by the State about the time that Route 202 & 9 was moved and Exit 4 from I-89 was

integrated. At that time, the current number of bedrooms and bathrooms were in place. The farmhouse contains six bedrooms. The farmhouse (as sold to us on October 15, 2013) also contains one working bathroom, five non-working bathrooms with partial plumbing. We understand all six bathrooms were functioning when the septic system was installed. All six bathrooms have waste pipes installed up to the room. We are in the process of finishing the bathrooms, and would not open for business until the bathrooms are complete.”

2. **No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.** “There is no remarkable increased risk of fire, and no increased risk of explosion or release of toxic materials through the use of the property as a Bed and Breakfast Inn.”
3. **No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking areas, access ways, odor(s), smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.** “As stated in previous answers, the property is substantially separate from all nearby properties except our own. Further, the entrance and parking of the property are located at its front, between the structures and the street. The closest residence is behind the structures and uphill and screened by trees. It is very difficult to see the front (entrance and parking) of the property from anywhere else. Further, the property use as a Bed and Breakfast Inn would likely constitute less traffic than if the property is used as a residence utilizing all six bedrooms daily.” The property is largely screened from Hopkins Green by approximately a 300 foot buffer. Furthermore, the previous owners had eight children along with grandchildren that enjoyed the property without being aware of any concerns for noise and traffic.
4. **No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.** “As stated in answer #3, the proposed use as a Bed and Breakfast Inn would likely generate less traffic than if the property were fully used for residential purposes. The property has six bedrooms. A residential use of the property would likely mean that a large family, with many drivers, would be using the property on a daily basis. Guests of a Bed and Breakfast Inn only constitute occasional use, and we only intend to offer three to five bedrooms for guest accommodations.”

Applicant provided the Board with a hand-out from the Bed and Breakfast Inn Professional Association that referenced a 2010 study that concluded that nationwide 43 percent of Bed and Breakfast Inns are typically occupied. The Applicants hope that their Bed and Breakfast Inn will be occupied for at least 40 percent of the time; however, suggested that for the area it would be more like 30 percent of the time. It was also anticipated that there would be much less traffic associated with the Bed and Breakfast Inn than from what the French family had produced with their eight children and grandchildren.

5. **No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.** “The property has a private well and septic system. Guests of a Bed and Breakfast Inn are transient by definition, and therefore could not be enrolled in the school system.”

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6. **No significant increase of storm water runoff onto adjacent property or streets.** “The proposed use for the property as a Bed and Breakfast Inn would not impact storm water runoff from the property at all.”
 7. **An appropriate location for the proposed use.** “The property at 11 Hopkins Green Road is the perfect location for the proposed use as a Bed and Breakfast Inn. The property lies directly on the main road of Route 202, 103, and 9, and the intersection of I-89 at Exit 4. Because of the road curve around the property, and the boundaries of Hopkins Green Road and Hawthorne Hill Road, the property is well set apart from other residential properties. The wooded areas, rise in elevation, and position of the structures on the property even further separate it from the view of other residences. Further, the property has already been used as a transient lodging facility.”
 8. & 9. **Not affect adversely the health and safety of the residents and others in the area and not be detrimental to the use or development of adjacent or neighboring properties. In the public interest and in the spirit of the ordinance.** “One can think of no possible circumstance that the use of the property as a Bed and Breakfast Inn would adversely affect the health and safety of the residents in the area. Our long term plan is to incorporate the property’s features as an historic farm and agricultural zoning with the Bed and Breakfast Inn by creating a unique farm to breakfast table system. The community would be served by creating a light impact agricultural/commercial use that also promotes local food production, agritourism and sustainable farming. Guests could participate in gathering breakfast ingredients directly from the farm property, from herbs and vegetables, to eggs and milk. Or they may simply enjoy the historic rooms, fresh food, garden property, and old barn.

I have been a resident of Hopkinton for 33 years. This community would be well served to support a viable and healthy use of a local treasure. This property is not only historic, but has been falling into disrepair. Our plan creates a way to revitalize the home, barn, yard and farm in a way that not only generates income for that purpose, but also adds value to the community. Importantly, that value can be created without compromising the property or surrounding area, without development and destruction of natural resources. The community currently has no lodging facilities. On other old farm properties in Hopkinton, commercial use has not only protected the farm use of the properties, it has also created a draw. Beech Hill Farm and Gould Hill Farm, as examples, through commercial use have been able to stay viable at the same time adding charming and well-loved destinations for everyone in the community. Our plan is not as large scale as those farms, but it seeks to create a similar value in the community by allowing others to experience this splendid farmhouse and farm. Our plan seeks to improve the condition of the property without destroying its character or the character of the area around it. It will be a place for people to stop along the highway, as they have done in this house over the centuries. People can sleep in rooms that were built before the Revolutionary War, wake up to the sound of a rooster crowing, and eat food that was grown and harvested right on the property.”

It was noted that the farmhouse has been inspected by the Fire Department and depending upon the number of rooms a second means of egress may be required. Most bedrooms already have more than one means of egress as the home has three stairways.

Mr. McLeod questioned whether Site Plan Review by the Planning Board will be required, noting that there are specific provisions in order to operate a Bed and Breakfast Inn that are outlined in subsection 3.7.6 of the Ordinance. In particular, the Applicant must provide evidence that the septic system is in compliance for the total number of proposed units (bedrooms). In response, Mrs. Robertson stated that prior to the issuance of the Building/Use Permit to operate the Bed and Breakfast Inn the Applicant will be required to provide evidence concerning the adequacy of the septic system.

Mr. McLeod also noted that subsection 3.7.6 requires a minimum of 3,500 square feet of heated floor area; while, the property records for 13 Hopkins Green indicate that there is currently no heat on the second floor. The bedrooms on the second floor is where the Applicant has represented will be utilized by the Bed and Breakfast Inn. In response, Mrs. Balkus stated that they have been in contact with a contractor from Dunbarton Fuel who will be adding the necessary zones to establish heat on the second floor.

Abutter Kim Burgess of 56 Hopkins Green Road addressed the Board with concerns with respect to the issuance of a Variance for the requirement that the Bed and Breakfast Inn be owner occupied. Mrs. Burgess noted that when comparing the use of a Bed and Breakfast Inn with that of a hotel, or motel it is significant in that a hotel or motel does not have to be owner occupied and is not permitted in the residential/agricultural (R-4) district. What appears to separate the ability to operate a Bed and Breakfast Inn is the fact that it must be owner occupied. Should the Board grant the Variance it would be permitting something (hotel, motel) that would otherwise not be permitted in a residential/agricultural area.

Mrs. Burgess made the point that if the Variance is granted and the owners were to sell the residence at 13 Hopkins Green Road, then what would happen to the Bed and Breakfast Inn (11 Hopkins Green Road) which would not be owner occupied nor would the owner live on the adjacent property. She suggested that the hardship is that of the owners. The fact that they happen to own both properties should not be a factor in granting the Variance. Furthermore, Mrs. Burgess suggested that if the owners wanted to continue with the residential nature of the properties they should have requested to merge the two properties.

With respect to the request for a Special Exception, Mrs. Burgess suggested that the Applicants be required to have appropriate signage that would direct people to their property rather than having potential guests continue down Hopkins Green Road. Furthermore, Mrs. Burgess expressed concern with the increase in lighting in the area due to the operation of the Bed and Breakfast Inn.

In response to Mrs. Burgess' suggestion that the properties be merged, Mrs. Robertson noted that the Zoning Ordinance does not permit more than one residence on a property. Furthermore, with respect to concerns with signage, lighting and traffic, Mrs. Robertson suggested that those items would be addressed during Site Plan Review by the Planning Board. She recommended that Mrs. Burgess attend the meeting to review with the Planning Board her concerns.

At this point, Mrs. Balkus offered a condition that would extinguish the Variance should the owner/occupants no longer reside at 13 Hopkins Green Road. She further noted that the Variance is property specific and therefore would not apply to other properties. She understood the concerns for directional signage and lighting.

Abutter Mary Lawson of 256 Hopkins Green Road addressed the Board expressing disappointment with the limited information received prior to the meeting. In response, Mr. Balkus noted that while they are not part of the Hopkins Green Association they will make an effort to obtain contact information so they can open communications with the residents.

Abutter Constance Bryan of 246 Hopkins Green Road expressed concern with additional lighting that may be proposed. She indicated that there is an existing street light at the entrance of Hopkins Green Road that is paid for by the Association; however, it may benefit the Applicant.

Mrs. Balkus readdressed the Board explaining that while the Zoning Ordinance allows up to seven bedrooms the residence could immediately accommodate four bedroom suites. A fifth suite is possible should they provide a second means of egress as requested by the Fire Department. While the residence has a total of six bedrooms one room is actually very small and is used as a pass through; however, at this point they have no intentions of using the room as a bedroom.

Abutter Sandra Schneider of 92 Hopkins Green Road addressed the Board suggesting that items four and five of the criteria to be granted a Variance had not been met. The properties are legally two separate properties that can easily be transferred and therefore there is potential for the owner/occupant to not reside at the adjacent property. She believed that the intent and spirit of the Ordinance does not allow the owner/occupants to reside off-premises.

Mrs. Schneider further noted that if the Variance were denied it would only result in a hardship to the Applicants. There are no special conditions of the property. Choosing to live somewhere other than the Bed and Breakfast Inn is a choice. In response, Mr. Balkus disagreed, stating that the special conditions of the property (13 Hopkins Green) are the fact that it is surrounded on three sides by the Bed and Breakfast Inn (11 Hopkins Green) which is not the case for other properties. The spirit and intent of the Ordinance will not be broken as the two properties will be treated as one, especially due to their close proximity to one another. Mrs. Balkus suggested that there is no need for her to move across the driveway to the Bed and Breakfast Inn when in fact the buildings are within 89 steps of each other.

Abutter Barbara Layne addressed the Board to questioning whether the Special Exception is to utilize seven rooms, which is the maximum allowed, or five rooms. She suggested that any approval limit the number of bedrooms and address the possibility of sale of either property.

Mr. Rinden believed the Applicants request is essentially for five bedrooms. Mr. Balkus concurred, stating that they can immediately utilize four bedrooms, but should they provide for a second means of egress they can ultimately utilize five bedrooms.

Mr. McLeod questioned whether the Applicant would voluntarily accept a condition limiting the number of bedrooms to no more than five. In response, Mr. Balkus replied yes, but requested that the limit be increased to no more than six rooms should at some point in the future they decide to utilize the pass through bedroom.

At this time, the Board reviewed with the Applicant a floor plan of the residence showing the locations of the proposed bedrooms, bathrooms and laundry room.

Abutter Suzanne Meyer of 224 Hopkins Green Road addressed the Board requesting that, should the owners decide to sell either property, the Special Exception and Variance not be transferrable.

Chairman Krzyzaniak noted for the record receipt of an email from Doctor Barabara Layne of Hopkins Green.

Public testimony was closed.

During deliberations, Mrs. Gray believed that the Applicant had addressed all requirements to be granted a Variance; however, she suggested that any motion to approve the application include conditions with respect to the Variance expiring or being non-transferrable and a document indicating the same be recorded at the Registry of Deeds. All members concurred.

Mr. McLeod, seconded by Mrs. Gray, moved to **APPROVE** application #2014-1 as presented with the following conditions:

1. Approval of the Variance shall expire upon transfer (sale) of property located at 11 Hopkins Green Road (Tax Map 251, Lot 14) and/or property located at 13 Hopkins Green Road (Tax Map 251, Lot 15). See conditions of Application #2014-2.
2. Applicant shall prepare and record at the Merrimack County Registry of Deeds a document outlining the above condition.

Motion carried unanimously (Gray, McLeod, Rinden and Krzyzaniak). The Applicant satisfied all requirements to be granted a Variance in accordance with Section 15.8.3 of the Zoning Ordinance.

Reasons for approval as follows:

1. The proposed use would not diminish surrounding property values. *There was no evidence that any of the surrounding property values would diminish. The owner/operator owns two residences that are adjacent to one another. One residence will be utilized as the Bed and Breakfast Inn and the other as the main residence for the owner/operator. Due to the close proximity of the residences, the impact of granting the Variance with the above conditions is believed to be no greater than as if the owner/operator were to reside at the Inn.*
2. Granting the Variance would not be contrary to the public interest. *The proximity of the Bed and Breakfast Inn from that of the owner/operators' residence (represented as approximately 89 steps, utilizing the same driveway) with the conditions imposed will not be contrary to the public interest.*
3. By granting the Variance substantial justice would be done. *There was no evidence that the granting of the Variance would injure the rights of others. Granting of the Variance would allow the owner/operators to remain in their residence while allowing the integration of the two properties (Bed and Breakfast Inn and adjacent residence) in a manner that would continue to maintain the safety and general welfare of the public. The elevation of the property of the owner/operators' residence and close proximity appears to provide a much better view of the grounds than if the owner/operators were actually to reside at the Inn.*

4. The spirit and intent of the Ordinance will not be broken by granting the Variance. *The use of the owner/operators' property as a single family residence is permitted and the use of the adjacent property for a Bed and Breakfast Inn is permitted by Special Exception. Therefore, the uses are consistent with the intent of the Ordinance. While the owner/operators will reside in the adjacent residence and not physically in the Inn, the owner/operators will be at the Inn on a regular basis preparing breakfast and attending to the needs of their guests. Furthermore, imposing the condition that the Variance shall expire upon transfer (sale) of property located at 11 Hopkins Green Road (Tax Map 251, Lot 14) and/or property located at 13 Hopkins Green Road (Tax Map 251, Lot 15) will insure that the owner/operators must reside at the property in order to operate the Inn.*
5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. *But for the fact that the properties are located adjacent to one another and the condition that the Variance shall expire upon transfer and/or sale of either property, the Variance would not have been granted. The continued use of the property by the owner/operators as a single family residence is a permitted use. Both properties (Inn and residence) were once located on the same parcel with both residences being utilized as part of a large farm. The main residence (Bed and Breakfast Inn) was once known as the farmhouse with the adjacent residence (owner/operators' residence) known as the bunkhouse. The history of the uses of the residences, including their proximity, distinguishes the properties from others in the area; therefore, it is believed that it would not be reasonably feasible to have the owner/operators move from their residence into the Bed and Breakfast Inn.*

During deliberations Mrs. Gray stated that the Applicants successfully addressed the criteria to be granted a Special Exception; however, any approval should include conditions with respect to number of bedrooms, adhering to the requirements outlined in subsection 3.7.6 of the Ordinance, and the expiration or non-transfer of the Special Exception should either property be sold.

Mrs. Gray, seconded by Mr. Rinden, moved to **APPROVE** application #2014-2 as presented with the following conditions:

1. Bed and Breakfast Inn shall be limited to no more than six (6) bedrooms;
2. All conditions of Zoning Ordinance subsection 3.7.6 (Bed and Breakfast Inn) shall be adhered to prior to operation of the proposed use;
3. Approval of the Special Exception shall expire upon transfer (sale) of property located at 11 Hopkins Green Road (Tax Map 251, Lot 14) and/or property located at 13 Hopkins Green Road (Tax Map 251, Lot 15). In any case, if the Applicant (owner/operators) no longer resides at 13 Hopkins Green Road, the Special Exception to operate the Bed and Breakfast Inn at 11 Hopkins Green Road shall expire.
4. Applicant shall prepare and record at the Merrimack County Registry of Deeds a document outlining the above condition.

Motion carried unanimously (Gray, McLeod, Rinden and Krzyzaniak). The Applicant satisfied all requirements to be granted a Special Exception in accordance with Section 15.8.2 of the Zoning Ordinance.

II. Review of the Minutes and Notice of Decision of December 3, 2013.

Mrs. Gray, seconded by Mr. Rinden, moved to **APPROVE** the Minutes and Notice of Decision as presented. Motion carried unanimously (Gray, McLeod, Rinden and Krzyzaniak).

III. Adjournment.

With no further business to come before the meeting, motion was made by Mr. McLeod, seconded by Mrs. Gray, to adjourn the meeting at 8:07 PM. The next regular scheduled meeting of the Board is Tuesday, April 1, 2014, at 5:30 PM in the Town Hall.

Karen L. Robertson
Planning Director

Pursuant to New Hampshire RSA 677:2, any party to the action or proceedings, or any person directly affected thereby, may apply to the Zoning Board of Adjustment for a rehearing. Application, in writing, must be submitted to the Zoning Board of Adjustment within thirty (30) calendar days beginning the date upon which the Board voted to approve or disapprove the application. Such a request must set forth the grounds on which it is claimed the decision is unlawful or unreasonable. The Board must decide to grant or deny the rehearing within thirty (30) days.