



Town of Hopkinton

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HOPKINTON ZONING BOARD OF ADJUSTMENT NOTICE OF DECISION DECEMBER 3, 2013

Notice is hereby given that the Hopkinton Zoning Board of Adjustment met on Tuesday, **December 3, 2013, at 6:30 PM** in the Hopkinton Town Hall, 330 Main Street, Hopkinton, and made the following decisions:

I. Application(s).

#2013-6 Sandra Burney VARIANCE to permit a single family residence on a lot containing 1.58 acres with 225 feet of frontage along Rolfe Pond Drive, a private right-of-way. The property is located in the R-2 district, shown on Tax Map 209 as Lots 27. The application was submitted in accordance with Zoning Ordinance subsection 5.2.1(c).

Toni Gray, seconded by Daniel Rinden, moved to **APPROVE** application #2013-6 as presented. Motion carried unanimously (Gray, McLeod, Koontz, 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 impact of granting the Variance is no greater than other properties in the area that contain similar or less acreage with residences already existing.*
2. Granting the variance would not be contrary to the public interest. *The use is allowed and is not contrary to the public interest. There is other property along the private drive in which a Variance was granted in 1997 for the same purpose.*
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 Applicant to use property that would otherwise be considered a grandfathered lot if it were not for the fact that the property is located off of a private road.*
4. The spirit and intent of the Ordinance will not be broken by granting the variance. *The use of the property for a single family residence is permitted in the R-2 district and is therefore consistent with the intent of the Ordinance. While the property does not meet the frontage requirement (frontage along a public street), the property appears to have sufficient acreage available to satisfy the required setbacks of the Ordinance. Furthermore, the property is surrounded by other year-round residences with the most recent residence constructed in 2005.*

Adopted: 03/04/2014

5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. *But for the fact that the property is located on a private road, the property would be considered a grandfathered building lot. Again, the use of the property for a single family residence is a permitted use in the R-2 district. There is other property along the private drive in which a Variance was granted for the same purpose. Furthermore, the private road is not owned by the Applicant and therefore the Applicant has no ability to change the status from private to public. Therefore, it is believed that the benefit sought cannot be achieved by some other method that is reasonably feasible, other than the granting of a Variance.*

II. Review of the Minutes and Notice of Decision of June 4, 2013.

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

III. Adjournment.

With no further business to come before the meeting, motion was made by Greg McLeod, seconded by Toni Gray, to adjourn the meeting at 7:35 PM. The next regular scheduled meeting of the Board is Tuesday, January 7, 2013, 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.