



Town of Hopkinton

330 Main Street • Hopkinton, New Hampshire 03229 • www.hopkinton-nh.gov

Tel: 603 746-3170

Fax: 603 746-2952

HOPKINTON ZONING BOARD OF ADJUSTMENT NOTICE OF DECISION JUNE 2, 2015

Notice is hereby given that the Hopkinton Zoning Board of Adjustment met on **Tuesday, June 2, 2015, at 5:30 PM** in the Hopkinton Town Hall, 330 Main Street, Hopkinton, and made the following decision(s):

I. Application(s).

#2015-4 James Martin Variance to construct an attached garage having less than the required sideline setback for the R-4 district. The property is owned by James and Amy Martin, located at 1007 Hopkinton Road, shown on Tax Map 258 as Lot 59. The application was submitted in accordance with Zoning Ordinance 4.2 Table of Dimensional Requirements.

Toni Gray, seconded by Dan Rinden, moved to **APPROVE** the Variance (#2015-4) as presented. Motion carried unanimously (Gray, Rinden, McLeod, Scheinman and Koontz). The Applicant successfully addressed all criteria to be granted a Variance as outlined in Section XV of the Zoning Ordinance.

Reasons for approval as follows:

1. There was no evidence that surrounding property values would diminish as a result of constructing the garage with less than the side line setback. While there are other homes and garages in the area that do not meet the setback requirements, it was noted that those structures most likely were constructed prior to the adoption of zoning (1964) and are therefore grandfathered.
2. There was no evidence that the public's interest would be impacted as a result of constructing the garage with less than the side line setback. There are other homes and garages in the area having less than the required setbacks that have not been shown to negatively impact the public's interest.
3. Substantial Justice: The addition of a garage to the residence is anticipated to have little to no impact on the public. In other words, the public would realize no appreciable gain from denial of the Variance. Based on the location of the residence on the property, the garage having less than the required side line setback will most likely be unnoticeable as the house is setback approximately 110-feet from the front property line and the abutting residence is setback even further.
4. The spirit and intent of the Ordinance will not be broken by granting the Variance as the addition of the garage having less than the required setback will not change the character of the surrounding area. There are residences and garages in close

Adopted: 7/07/2015.

proximity to the Martin property that are even closer to the property lines than that proposed by Mr. Martin.

5. In this case, requiring the Applicant to meet the side line setback requirement is not necessary in order to give full effect to the purpose of the Zoning Ordinance. The property will continue to be used for residential purposes with adequate space between the structures for emergency vehicles. Again, based on the location of the residence on the property, the garage having less than the required side line setback will most likely be unnoticeable as the house is setback approximately 110-feet from the front property line and the abutting residence is setback even further.

II. Review of the Minutes and Notice of Decision of May 5, 2015.

Toni Gray, seconded by Charles Koontz, moved to **APPROVE** the Minutes and Notice of Decision of May 5, 2015 as presented. Motion passed (4-0-1) with Ms. Scheinman abstaining.

III. Other Business.

- a) Annual appointment of Chairperson. The Board unanimously agreed to **APPOINT** Charles Koontz as Chairman for administrative purposes with the understanding that on a rotating schedule there will be a different Board member overseeing the actual meetings.

Karen Robertson
Planning Director