

NOTICE OF DECISION
ZONING BOARD OF ADJUSTMENT
TOWN OF HOLDERNESS
PO BOX 203
HOLDERNESS, NH 03245

Case No: 413-05-16

A request for Variances from property setbacks in accordance with Section 400.8.1.1; and expansion of a structure on a non-conforming lot in accordance with Sections 700.2, 700.2.1, 700.2.1.1 and 700.2.1.2; Town of Holderness Zoning Ordinance to construct a 96 square foot deck and a 200 square foot dormer to an existing structure on a property located at Tax Map 236, Lot 086, 106 NH Rte. 113, in the Rural Residential District, Town of Holderness has been DENIED.

The Board made specific findings that the following criteria were not met by the application.

(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
- (ii) The proposed use is a reasonable one.

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance

Susan Webster, Chair
Board of Adjustment

May 11, 2016

Note: Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty days of the date of this notice, tomorrow being day one. The necessary first step, before any appeal may be taken to the courts, is to apply to the Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds on which you will base your appeal. See New Hampshire Revised Statutes Annotated, Chapter 677 for details.