

# **TOWN OF HOLDERNESS ZONING BOARD OF ADJUSTMENT**

## ***NOTICE OF DECISION***

Case No: 420-09-17

The Holderness Zoning Board of Adjustment held Public Hearings on September 12, 2017 to consider the following application:

**Case #420-09-17:** Application submitted by property owners, Miriam Schacter & Benjamin Gampel, for Variances to allow the placement of a shed on property located at 58 White Oak Pond Road identified as Tax Map 246-004-000, in the General Residential District, Town of Holderness.

The variances requested include the following:

1. A variance from Section 400.8.1.1 in the amount of 25 ft. to locate the shed 10 ft. from the side boundary line.
2. A variance from Section 400.8.1.2 in the amount of 25 ft. to locate the shed 25 ft. from the reference line of White Oak Pond.

The following action was taken at the meeting on September 12, 2017:

**MOTION:** "To DENY the Variances requested for Case #420-09-17: Application submitted by property owners, Miriam Schacter & Benjamin Gampel, for Variances to allow the placement of a shed on property located at 58 White Oak Pond Road identified as Tax Map 246-004-000, in the General Residential District.

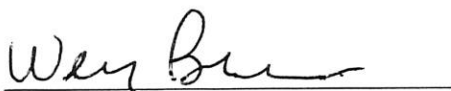
**Motion:** G. Karp

**Second:** K. Fuller

**Discussion:** The Zoning Board made the following determination:

- The proposal is contrary to the public interest; the "public interest" being the regulations in the Zoning Ordinance and the proposal does not provide sufficient consideration of the regulations.
- The proposal is contrary to the spirit of the ordinance as the setbacks are in place to control overcrowding and over development of the waterfront as well as the overall parcel.
- There is no injustice as there is no loss to the applicant that would be outweighed by a gain to the general public and the proposal does not meet all of the other criteria.
- No hardship exists because 1) the subject parcel is not unique as most of the lots in the area are undersized and have similar slopes and 2) adding expense or complexity to make the project comply with regulations is not considered a hardship.

**Motion Passed: 4 – Yes      0 – No**



W. Broom, Vice Chairman  
Zoning Board of Adjustment  
September 13, 2017

*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.*