



**Zoning Board of Adjustment
Town of Eaton
Evans Memorial Building
Eaton, NH 03832
603-447-2840**

May 7, 2018

The Zoning Board of Adjustment met on Monday, May 7, 2018 in the Town Hall. Present were Chairman Steve Larson, Carol Mayhofer, Robert Bridgham, Robert Malvesta, Heather McKendry and Alternate Nicholas Abramo. The meeting was called to order at 7:01 pm.

Heather McKendry made a motion, seconded by Robert Bridgham, to waive the reading and to adopt the Minutes of April 4, 2018 as written. Motion unanimously carried.

Case # 201602 – George Diller – Appeal From Administrative Decision

Steve Larson reconvened the Public Hearing. Wesley Smith of Thorne Surveys explained that George Diller is requesting to recess this Hearing for three months. ***Robert Malvesta made a motion, seconded by Carol Mayhofer, to recess this Public Hearing at the request of the Applicant until 7:00 pm on August 27, 2018. Motion unanimously carried.***

Case # 201802 – Gerard & Polly Vanasse – Variance (Continued)

At 7:08 pm Chairman Larson reconvened the Public Hearing. Heather McKendry stepped down due to a conflict of interest. Chairman Larson appointed Nick Abramo to act as a regular member for this Hearing.

The Board reviewed the property plan and location of a shed. Robert Bridgham questioned whether consideration has been given to locating the shed on the other side of the building. Gerard Vanasse explained that the ground is not level and that there is still a drop-off to the brook. Gerard Vanasse explained that the land is not conducive to meeting a 60-foot front setback and that he would like to replace the shed with a barn in the future.

Chairman Larson explained that he drove past the property and noted that the shed cannot be placed any further back on the property due to the embankment.

Carol Mayhofer stated that granting this variance is contrary to public interest as it would be setting precedence. Robert Bridgham stated that the shed will be further from the road than the house. Robert Malvesta stated that property rights should not be taken away just because the barn was not rebuilt within the permitted timeframe. Chairman Larson stated that grandfathered status of the non-conforming barn has been lost because it was not reconstructed within the permitted timeframe.

Robert Bridgham stated that the house is non-conforming and that the auxiliary structure can encroach into the setback as long as it is not more non-conforming. Carol Mayhofer noted that the Board has denied garages when it has made a property more non-conforming. Chairman Larson stated that the nature of the land precludes meeting the setback of the road.

Chairman Larson opened the hearing for public comment. There being no comment, Chairman Larson closed the Public Hearing and conducted a roll call vote on each of the conditions:

1. Granting the variance would not be contrary to the public interest: Yes – 4 No – 1
2. The spirit of the ordinance would be observed: Yes – 4 No – 1
3. Granting the variance would do substantial justice: Yes – 5 No – 0
4. The values of the surrounding properties would not be diminished: Yes – 5 No – 0
5. Denial of the variance would result in unnecessary hardship: Yes – 5 No – 0

Steve Larson made a motion, seconded by Robert Bridgham, that based on the foregoing findings of fact, the Variance from Article IV, Section C (Setbacks) be granted subject to the condition that if the existing shed is modified or replaced, a new Building Permit will be required. Motion unanimously carried.

Robert Bridgham made a motion, seconded by Robert Malvesta, to adjourn the meeting. Motion unanimously carried. The meeting was adjourned at 8:03 pm.

Respectfully submitted

Lianne M. Boelzner

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