

Sandown Zoning Board
PO Box 1756
Sandown, NH 03873

NOTICE OF DECISION

The Sandown Zoning Board of Adjustment met on Thursday, March 28, 2019 in the Sandown Town Hall, 320 Main Street and rendered the following decision:

M 28, L 3, 6 Shady Lane- An appeals application of a pervious variance application that was submitted by Debra Ann Trust for M 28, L 3 6 Shady Lane that was requesting a variance from Article II B, Section 3 ABC to allow construction of a dwelling on a pre-existing undersized lot of records.

By a vote of (5-0-0) of the Zoning Board of Adjustment, it was voted to DENY the variance application submitted by Debra Ann Trust for M 28, L 3, 6 Shady Lane requesting a variance from Article II B, Section 3 ABC to allow construction of a dwelling on a pre-existing undersized lot of records. Mr. Meisner, Mr. Longchamps and Mr. Ardolino, Mr. True, and Mr. White voted no.

Reasons why the application failed on all 5 criteria.

1. Would the granting of the variance be contrary to the public interest? Yes, the well is approximately 5 feet from the road. For the health, safety, and general welfare, the distance should be outside of the 50-foot radius. The well is located 5 feet from the road. The other wells in the area are 10 to 15 feet from the road. Having a well 5 feet from the road is a health and safety concern.
2. Would the granting of the variance violate the spirit and the intent of the ordinance? Yes, as allowing more overcrowding in a congested area would affect the health, safety and general welfare of the residents.
3. In denying the variance, is substantial justice done? Yes, as the applicant knew or should have known that he was purchasing land that was not a buildable lot. Thus, the applicant has not suffered any monetary loss as he still owns what he bought.
4. Would the granting of the variance diminish the value of surrounding properties? Yes, the town must protect the health and viability of our ponds. Overcrowding will add to the stress upon the ponds and lead to high bacterial counts in the water affecting the health safety and general welfare and property values. The lot size is smaller than the other lots and adding a 11,00 square foot roof and raised septic would create more water in the rear of the property and create flooding issues for 28-7 and 28-8 and diminish their value.
5. Would literal enforcement of the provisions of the ordinance result in unnecessary hardship? No, because the applicant knew or should have known the land, he bought was nor a buildable lot. Because a person buys a parcel of land that is too small to build on, does not obligate me to ignore the health, safety, and general welfare by granting the variance. No hardship on the owner. The owner bought a vacant lot and the lot will remain unchanged and vacant.
6. The Board must grant the variance if all five of the variance criteria are met

Steve Meisner, Chairman
Chris True, Vice Chairman
Dave Ardolino
Chris Longchamps

All appeals must be filed, in writing, within thirty days of the date of this decision