

*Orange Zoning Board of Adjustment
P.O. Box 37
Canaan, NH 03741*

Minutes of June 2, 2016

Present: Donald Pfaefflin, Chair; Richard Jaeger, Beverly Ells, Alice Smith, Dorothy Heinrichs (Select Board ex officio) and Sandi Pierson (clerical).

Others present: Robert Proulx, Tamara Fairbank, and Bob Ells.

The ZBA convened to deliberate on a request for a variance to the property line setback of the Orange Zoning Ordinance. Tamara Fairbank would like to purchase the home at 15 Town House Road presently owned by James Biernat and Thomas Rocke. Before purchasing she would like approval to build a 26 x 24-foot, two-bay garage of which placement would be nonconforming to the property line setback regulation of the Orange Zoning Ordinance. The property line is that of the Town of Orange. The Select Board had reviewed the Building Permit at their May 23, 2016 meeting and agreed with Don Pfaefflin that it needed ZBA approval.

At 7 PM all present made a site visit to 15 Town House Road. The placement of the proposed garage was staked out as well as its proximity to the boundary line. Tamara noted that the Town has a twenty-foot right-of-way through the property to access the Church Cemetery. The proposed garage placement did not encroach on this right-of-way.

All parties then convened at the Town House and Chair Pfaefflin formally opened the meeting at 7:12 PM.

Don introduced all members of the Board. Sandi affirmed that the meeting had been noticed in the Valley News, legally posted, and abutters were notified. Tamara submitted payment for these expenses.

Don read the ordinance regulating setbacks. He said that due to the shape of the parcel, it was not possible to build a garage without a variance. Don asked Tamara to speak on the variance request.

Tamara stated that presently there is a small garden shed on the property where the garage is proposed. Because the house, formerly a church, has no basement or attic storage areas, she would like to have a garage for that purpose. She said she is adverse to things being strewn outdoors and having a garage would keep the property in orderly appearance, especially for those visiting the cemetery. She felt a garage would add value to the property and not decrease the value of abutting properties.

Don asked if there was anyone present who wanted to speak in favor of granting the variance.

Bob Proulx said he would welcome Tamara's moving to Orange. He said the proposed structure does not impede the town's right-of-way and feels her plans are attributes to the historic essence of the area.

Dorothy Heinrichs also spoke in favor, noting that what Tamara is planning will look nice for those visiting the cemetery. Dick Jaegar felt that the proposed garage would add value to the property. Bev Ells stated she was in favor of Tamara's plans.

Don asked if there was anyone present who wanted to speak against granting the variance. There was no response.

Don asked if any Board members had questions. Alice asked if anyone else had requested a permit to build a garage on the property. Don said that two earlier potential buyers inquired about the prospect of building a garage.

There being no more comments, Don closed the public hearing.

Don asked the Board to vote on the five bases for the ZBA to make a determination on the variance:

1. The Board voted unanimously in favor that granting the variance would not diminish the value of the surrounding properties.
2. The Board voted unanimously in favor that granting the variance would be a benefit to the public interest.
3. The Board voted unanimously in favor that not granting the variance would result in unnecessary hardship to the applicant seeking it.
4. The Board voted unanimously in favor that granting the variance would do substantial justice.
5. The Board voted unanimously in favor that granting the variance would not be contrary to the spirit of the Ordinance.

Don declared the variance was approved, effective when Tamara Fairbank becomes the property owner on record.

Meeting adjourned 7:28 PM

Respectfully submitted,

Sandi Pierson
Secretary
Orange NH Zoning Board of Adjustment