

Zoning Board of Adjustment
December 27, 2023
Approved February 14, 2024

Members Present: David Blohm, Chair; Henry Thomas, Vice-Chair; Larry Briggs, Member; Katheryn Holmes, Member; Steve Hurd, Member

Members Not Present: Alex Azodi, Alternate; Patricia Sherman, Alternate

Public: Margo Steeves, Darren Finneral

Mr. Blohm called the meeting to order at 7:03 p.m.

The Recording Secretary read into the record the following Public Notice:

Notice is hereby given that the Newbury Zoning Board of Adjustment will conduct a public hearing on the following proposal on Wednesday, December 27, 2023, at the Town Office Building at 937 Route 103 in Newbury, NH: At 7:05 p.m., Margo S. Steeves (owner), for property located at 148 Village Road, Newbury, NH, will seek Variances from the requirements of Paragraphs 5.9.1 and 15.2.1 of the Newbury Zoning Ordinance to permit the following: Construction of a 4' x 6' metal roof over rear entry door on a non-conforming building and within the side setback. Newbury Tax Map 043-448-240. Copies of the application are available for review during regular business hours at the Newbury Town Office building. Business hours are as follows: Monday-Friday from 8am-4pm.

Board Introductions.

Margo Steeves presented to the Board.

Ms. Steeves submitted a picture to the Board of the back door area where the roof will cover. (See file for ZBA Case #23-17)

Ms. Steeves said the roof would go over the back door.

Mr. Blohm said the roof piece was less than 15 feet from the property line. Ms. Steeves said that her house is less than 15 feet.

Mr. Hurd said the applicant is just extending the roof using one post, not building any walls. Ms. Steeves said there will be a post holding up the corner and the rest will be hooked onto the house. Ms. Holmes asked if this would sustain itself with wind. Mr. Thomas said there would be ties that have to be put down to hold the roof on. Discussion followed.

Ms. Holmes asked what this was for. Ms. Steeves said it is to keep the snow from landing on her head when she goes out. Ms. Steeves said she put a metal roof on the house, so the snow comes off like an avalanche and if you happen to be there, it's really dangerous. Discussion followed.

Mr. Blohm asked if it was a corrugated metal roof. Ms. Steeves said it matches the rest of the house; it was a piece that was on a closet that was torn off. Discussion followed.

There being no further questions from the Board Ms. Steeves addressed Article 16.8 of the Zoning Ordinance:

16.8.1 The variance will not be contrary to the public interest because: The roof extension will make the back entry safer for all who use it-neighbors, animals and the shoveler, me.

16.8.2 Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship.

- a) *There are special conditions in the property that distinguish it from other properties in the area because:* The zoning setback enacted in 1972 made part of my house non-conforming. The house was built in the 1800's and the woodshed was probably there at the time or soon thereafter. Several of the houses in So. Newbury have issues with setbacks.
- b) *The property is different in a meaningful way from other properties in the area because:* For one, it was the barber shop for awhile. The property has always been shared as play area with neighbors, especially the area between my driveway and the erratic next door. It retains most of its old character in an old NE village. The back of the lot also slopes down after the walkway.
- c) *The property is burdened more severely by the zoning restrictions because:* It has made a safety issue become complicated and more expensive.
- d) *Because of the special conditions of the property, the proposed use of the property is reasonable because:* A 4' x 6' lean-to roof over the back door will blend in with the existing roof over the already existing (in 1972) privy or outhouse (no longer used as such). More than that it will create a safe use of the door by diverting roof run-off from people and pets to the garden.

16.8.3 The variance is consistent with the spirit of the ordinance because: Zoning is instigated for protection of people and property. Making my house safer is important to all who use it.

16.8.4 Substantial justice is done because: A variance would be allowing an improvement to the property that will make it safer for anyone who uses it.

16.8.5 The value of surrounding properties will not be diminished because: A 4' x 6' lean-to roof will not increase the size of the house or its 1800's look. This is about shoveling and safety.

Mr. Blohm opened the public portion of the meeting.

Darren Finneral said he was a neighbor, not an abutter and he is in favor of this from a safety standpoint.

There being no further comment from the public, Mr. Blohm closed the public portion of the meeting.

Mr. Briggs made a motion to vote on the request from Margo Steeves (owner), for property located at 148 Village Road, Newbury, NH for Variances from the requirements of Paragraphs 5.9.1 and 15.2.1 of the Newbury Zoning Ordinance to permit the following: Construction of a 4' x 6' metal roof over rear entry door on a non-conforming building and within the side setback. Newbury Tax Map 043-448-240.
Mr. Thomas seconded the motion.

Roll Call Vote:

Steve Hurd voted to Grant the Variances from Paragraphs 5.9.1 and 15.2.1.

David Blohm voted to Grant the Variances from Paragraphs 5.9.1 and 15.2.1-16.8.1-16.8.5 have been completely satisfied.

Larry Briggs voted to Grant the Variances from Paragraphs 5.9.1 and 15.2.1-package is complete and the answers to the five questions are complete, and they meet the requirement.

Katheryn Holmes voted to Grant the Variances from Paragraphs 5.9.1 and 15.2.1-based on safety issue.

Henry Thomas voted to Grant the Variances from Paragraphs 5.9.1 and 15.2.1-believes the presentation has met the criteria.

Five votes to Grant the Variances

Mr. Blohm advised that the applicant or any party directly affected by this decision may appeal to the ZBA within thirty (30) days of the decision pursuant to RSA 677:2. Said motion must set forth, in detail, all grounds on which the appeal is based.

The Board discussed amendments to the Rules of Procedure in regard to documentation to be submitted with applications. Ms. Favreau will make changes to the Rules of Procedure to bring back to the Board at a later meeting for continued discussion.

Ms. Holmes made a motion to adjourn. Mr. Hurd seconded the motion. All in favor.

The meeting adjourned at 7:48 p.m.
Respectfully submitted,

Tiffany A. Favreau
Recording Secretary