

**Amherst Zoning Board
Tuesday July 21, 2015**

Attendees: K. Shea, R. Rowe, J. Ramsay, A. Buchanan (Alt), C. Vars (Alt) and C. Mailloux- Community Development Director

R. Rowe called the meeting to order at 7:05pm, explained the ZBA process to the applicant and introduced the board members.

He further stated that C. Vars will vote for D. Kirkwood and A. Buchanan will vote for J. Quinn

New Business:

Case # PZ6278-061915- Variance

Randy Casell (Owner), 25 Border Street, PIN #: 014-012-000, Zoned Residential/Rural – Request for a variance to place a storage shed 6' from side property line where 25' is required.

Mr. Casell addressed the tests as follows:

There will be no threat to public health or safety. It's a shed he wants to put in his yard. Because his property is long and narrow, if he abides by the 25' buffer, the shed would be in the middle of his yard. He doesn't see how it would threaten anybody. He has spoken to his neighbors and no one has a problem with it.

Regarding property values, the shed will be in plain sight. He plans to build a nice looking shed that goes along with the property that looks like it belongs there.

Regarding hardship, putting it 25' from the side property line will literally put it in the middle of the lawn. It will look like a sore thumb. Traditionally, everyone puts their sheds against the edge of the property. He is planning to locate the shed 46' from the back line of the property to keep it out of the neighbor's site line to the road. Also, there is a tree service that parks its vehicles right behind his property and where he is placing the shed will block his neighbor's view of the trucks from the Merrimack Rd. side.

R. Rowe asked if the shed will be on a permanent foundation or on blocks.

Mr. Cassel stated it is a 12x16 shed and will be placed on cinderblocks in such a way that you won't be able to see the blocks. He will put shrubbery on the front of it so you can't see the ramp on the side. The purpose of the shed is to store lawn care equipment.

C. Vars stated the only problem he has is justifying the hardship. Usually there is a physical issue like a rock or a tree in the way to cause hardship, but this is a flat lot without obstacles. He wondered what the hardship is other than visual and if visual issues could be a hardship.

K. Shea stated it's the use of the property. The impact to all five criteria would be worse if he put it within the proper area than it is in the buffer zone.

Mr. Cassel answered C. Vars' question by stating that putting the shed in the proper area, a large portion of the yard becomes unusable. It would be an obstacle in the middle of the yard and also an eyesore for the neighborhood. It would take away from the property.

R. Rowe asked if the audience had a comment. Rob Christopher-Austin Rd. Amherst commented that he agrees with the home owner. It will make his yard unusable. Where he has proposed the shed site is out of the way and actually will help block the construction vehicles behind the lot. It's the perfect place to put it.

Mr. Cassel stated that he currently has an ugly green tent in his yard that he hates and will get rid of as soon as the shed goes up.

A. Buchanan moved and K. Shea seconded to go into deliberations. Vote: unanimous.

A. Buchanan moved and C. Vars seconded that there is no regional impact. Vote: unanimous.

DELIBERATIONS:

1. Case # PZ6278-061915- Variance

1. The Variance will not be contrary to the public interest.

A. Buchanan agree it won't cause any problems to health, safety or welfare by placing the shed 6' from the property line rather than 25'.

All agreed

5 True

2. The Variance is consistent with the spirit and intent of the Ordinance.

C. Vars has no problem with that aspect of the case.

All agreed

5 True

3. Substantial justice is done.

K. Shea yes substantial justice to the applicant will be done. He can have use of the property. No harm to surrounding properties. Conscience enough to place it 46 feet away from the property line to not impact the neighbors

All agreed

5 True

4. The values of the surrounding properties will not be diminished.

J. Ramsay agree. By placing it where he is he is doing himself a favor for what he wants to use his property for but also with great concern for his neighbors.

C. Vars true especially with the wood operation directly behind it

K. Shea agree for same reasons. Sheds generally add value when they are properly built

5 True

5. Literal enforcement of the provisions of the Ordinance would result an unnecessary hardship.

C. Vars inclined to say that this meets unnecessary hardship because of its special conditions true

K. Shea there isn't 25 feet away from the line to place it. There isn't any natural buffer in this neighborhood. Other areas in town have a natural buffer that can be used where they would still be 25' from the property line, but right at the wooded area. Those are the special conditions. In this area/zone, there are a lot of people putting things up against the property line to maximize the use of the space.

5 True

R. Rowe stated that having passed the five tests, the request for variance was granted.

95
96 **A. Buchanan moved and J. Ramsay seconded to come out of deliberations. Vote: unanimous**
97
98 **Other Business:**
99 **Minutes- June 16, 2015**
100 Deferred
101
102 **Election of officers:**
103 Deferred
104
105 R. Rowe believes J. Quinn will be resigning and the board has the authority to appoint a
106 replacement for the remainder of his term. Logically, that would be one of the alternates. No
107 official paperwork has been filed, but he asked the alternates to consider this position.
108
109 K. Shea asked if they appoint someone to Jim's position, can that person hold it until the next
110 election time and then elect someone to the remainder of the term.
111 C. Mailloux stated she would look into it. The staggering of terms got off schedule at some
112 point, so maybe we can get back on schedule with that at the next town meeting as well.
113
114 **A. Buchanan moved and J. Ramsay seconded to adjourn at 7:32pm. Vote unanimous.**
115
116 Respectfully submitted,
117 Jessica Marchant