



TOWN OF HENNIKER
Zoning Board of Adjustment
Notice of Decision

Case 2009-101. A request has been made for a Variance from Article X, Sections 133-39C & 133-40, to allow for the development of a lot fronting in Henniker, but with the majority of land area in Hillsborough (the existing lot is split by the Town boundary). A total of four lots are proposed, with two of the lots in Henniker meeting all Zoning requirements. Proposed Lot 3 fronts in Henniker with 250 feet on frontage, but lacks the required area of 10 acres. Proposed Lot 4 is in the Town of Hillsborough. The property is located at 160 Bear Hill Road (Henniker Map 1 Lot 559-B1 in the Rural Residential District & Hillsboro Map 12 – Lot 136).

At their June 17, 2009 meeting, the Zoning Board of Adjustment voted 4-1 to **Deny** your Variance request outlined above. This decision was based upon the following findings:

1. The applicant did not present any evidence of special conditions unique to her property that make the ordinance as applied to this application unreasonable. The applicant testified that she had divided the parcel's remaining 10 acres into two substandard lots under Henniker's zoning ordinances because she was of the opinion that five acre lots were more reasonably sized and she thought the area would benefit by increased development. Board members testified that this explanation was inconstant with the spirit and intent of the 10-acre minimum lot size in this rural zone.
2. The Board concluded that the applicant's proposed subdivision could be achieved through alternate reasonable methods other than an area variance. The Board concluded that the applicant's subdivision could be achieved through the designation of three 10-11 acre lots.
3. The Board concluded that granting an area variance for a 5-acre lot would not be consistent with the spirit of the town's ordinance. Board members testified that they believe the spirit of the ordinance is to maintain 10-acre minimum lot sizes on roads of this nature, which decreases traffic on roads not designed for it. The ordinance is also designed to prevent smaller, bowling alley shaped lots such as those proposed by this application.
4. Granting the variance would not ensure that substantial justice would be done for the reasons set forth above and the reasons set forth in the board minutes.
5. The Board's June 17, 2009 minutes are incorporated herein.

Doreen Connor, Chair
Zoning Board of Adjustment
June 19, 2009

Under the provisions of RSA 677:2 a request of rehearing must be filed with the ZBA within 30 days after a decision of the ZBA has been made. The request for rehearing is required to set forth fully every ground upon which it is claimed that the decision or order is unlawful or unreasonable. In the event that a rehearing is granted, a new application along with the appropriate fee must be presented to the Land Use Office in accordance with the posted schedule.