

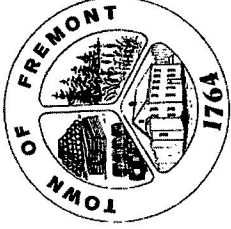


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Town Hall
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**TOWN OF FREMONT
ZONING BOARD OF ADJUSTMENT
PO BOX 120
FREMONT, NEW HAMPSHIRE 03044
NOTICE OF DECISION**

Case #023-002

You are hereby notified that at a Public Hearing held on Tuesday, July 25, 2023 at the Fremont Town Hall, 295 Main Street in Fremont NH the attending members of the Fremont Zoning Board of Adjustment did vote to grant Applicant William Casazza of 74 Tibbetts Road in Fremont NH a Variance to the terms of Article 9, Section 901 (*Lot Requirements, New and Expansion of Existing Structures*) of the Fremont NH Zoning Ordinance to place a shed on his property identified as Map 7, Lot 16 and also located at 74 Tibbetts Road in Fremont NH as shown on the plan provided in the application at a distance of 10 feet from the front property boundary where a setback of 30 feet is required.

SIGNED:

Doug Andrew

Doug Andrew, Zoning Board Chair, Fremont NH

Dated: 25 July 2023

In support of this decision, the Board has made the following findings of fact:

1. The Applicant proposes to construct 10 feet x 12 feet shed that is set back 10 feet from the Property's front lot line, whereas 30 is required based on the date the lot was created, circa 1955.
2. The parcels in this neighborhood straddle Tibbetts Road. The shed is proposed to be built on the parcel across from the home. The proposed shed is to be located across the street from the Applicant's house. Abutters Trisha Allen of 78 Tibbetts Road and Scott and Kimberly Hiller of 67 Riverside Drive submitted comments in support of the Application.

3. The Land Use Administrator summarized her evaluation of the proposed shed in terms of impervious area. The proposed shed is to be built on piers, so it does not increase impervious coverage based on definitions of impervious surface in the Zoning Ordinance.

Reasoning of the Board and Decision:

1. Regarding the public interest (Criteria 1): The proposed location is more favorable than the previous location as it is further away from the river and overall, the lot retains less coverage by structures than it had previously.
2. Regarding the spirit of the ordinance (Criteria 2): The location of the proposed shed is in keeping with the rest of the neighborhood in terms of placement.
3. Regarding substantial justice (Criteria 3): The location is further from the river (view) so it is an improvement over the previous shed location.
4. Regarding any diminishment of surrounding properties (Criteria 4): Although no expert testimony was provided, the Board concurred that the proposed shed will not devalue the lot or neighboring lots.
5. Regarding unnecessary hardship due to literal enforcement (Criteria 5): The Board concurred that it would be an unnecessary hardship to require the Applicant to build a structure that is of the size and shape of the available buildable area within the setback (long narrow rectangle). This property has a unique condition as it is bisected by Tibbetts Road it has two frontage requirements.

Notes: Application for rehearing on the above determination may be taken within 30 days of said determination by the Board of Adjustment, any party to the action or any party directly affected thereby according to NH Revised Statutes Annotated, Chapter 677. Said Statutes are available at the Fremont Town Offices. According to Town of Fremont Zoning Ordinance, variances shall be valid only if exercised within two (2) years of the date of final approval. The Board of Adjustment, at the Applicant's request, may grant a single, twelve (12) month extension.