



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

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Case #023-003

You are hereby notified that at a Public Hearing held on Tuesday, October 24, 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 Applicants Walter O. and Connie Ike Phelps a Variance from Article 9, Section 901 (Lot Requirements, New and Expansion of Existing Structures) of the Fremont Zoning Ordinance to construct a shed on their property identified as Map 6, Lot 24-13 and also located at 59 Sleeper Circle in Fremont NH. With this variance the shed may be constructed fourteen (14) feet from the side property lot line, as shown on the plan provided in the application, where a setback of thirty (30) feet is normally required.

SIGNED:

Doug Andrew, Zoning Board Chair, Fremont NH

Dated: 24 October 2023

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

1. The Applicant proposes to construct 12 feet x 22 feet permanent storage shed with an attached 6 feet x 22 feet side shelter that is set back a minimum of 14 feet from the Property's side lot line, whereas 30 is required based on the date the lot was created, circa 2006.
2. The shed is proposed to be built in the setback adjacent to Tax Map 24, Lot 12. The property owner of this abutting parcel, James E. Dean, Sr, owner of 65 Sleeper Circle, submitted a letter in favor of granting the variance.

3. Resident and abutter Jeremy Peterson, 254 North Road, was present at the hearing and commented in favor of granting the variance.
4. The layout of the property restricts available space for the shed. The wetlands and the associated buffer are the largest constraints. The shed is proposed to be located outside the wetland buffer. There will not be any driveway. Access will be via the lawn as needed.
5. The topography to the north of the shed location is elevated as you near the abutter's home and is heavily wooded. The topography drops off quite a bit in the rear of the house which limits accessibility for shed space.

**Reasoning of the Board and Decision:**

1. Regarding the public interest (Criteria 1): The proposed location is not contrary to public interest since it will be behind the house with buffering by the forest.
2. Regarding the spirit of the ordinance (Criteria 2): The purpose of the side setback is to provide space. The proposed location for the shed as shown is at a reasonable and significant distance to the nearest abutting structure.
3. Regarding substantial justice (Criteria 3): There would be no impact on the public that would be offset by instead placing the shed on the other side of the house which is the other available space.
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 the structure elsewhere and noted that the most limiting ordinance related to wetlands and buffers was met.

**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.