

**LANCASTER ZONING BOARD OF ADJUSTMENT**  
**August 26, 2020**  
**6:30 PM**

**CALL TO ORDER:**

The meeting was called to order at 6:30 pm by Chairman Rick Bernier.

**ROLL CALL:**

**Regular Members Present:** Rick Bernier, Steve Young, Les Hilton, Tricia Frenette, Chris McVetty

**Alternate Members Present:** Linda Ogle, Nathan Kenison and Don Freddette.

**Others Attending:** Planning/Zoning Advisor Ben Oleson, Daan Vondell and Alan Savage.

**PUBLIC HEARINGS:**

**Case #527 – Daan P. Vondell** for an Area Variance concerning article 5.04, "Building Setbacks in the Agricultural District". Applicant/Owner wishes to construct an approximately 16' X 24' post and beam camp/shed with attached 8' X 24' covered porch on piers closer to the side property line than allowed. A corner of the proposed camp/shed will be less than 38' feet from the property line when 40 feet is required. Piers were already placed when setback issue was revealed. All other setbacks will be met. Lot Zoned Agricultural. (Wesson Road, Tax Map R24-Lot 043, 3.06 acres).

Notices were sent to all known land abutters.

Ben Oleson read the case description and wanted to clarify that the request was to allow the building to be set "NO" less than 38 feet to the side property line. He explained this confusion was identified by one of the abutters and he wanted to be sure the request was to consider with this clarification and would be reflected in any decision reached. Alan Savage was present to represent Daan Vondell. He said when measuring for the placement of the piers for the structure a 20 inch error was made in one corner. Mr. Savage said measuring was done pin to pin during winter conditions when there was snow and brush in the way. He said this is why there was not a clear measurement. Mr. Savage said that Mr. Vondell had also spoken with the abutter effected (Peter Bornstein) and he was ok with the request if no less than 38'. He said the piers could be moved but at an additional cost.

**Moved by Steve Young and seconded by Tricia Frenette to grant the Area Variance as requested for no less than 38' from the side property line based on the applicant's Statement of Reasons. Motion carried.**

Mr. Vondell was advised of the 30 day appeal process.

Mr. Savage continued by voicing his disapproval of the changes to zoning on Main Street approved 5 or 6 years ago-Form Based Code. He said he felt it was

unnecessary and that the grant money received was wasted. Mr. Savage asked if anything had been done on Main Street that would not have happened if the change was not made. Mr. Oleson noted the PJ Noyes building and RizFit. Mr. Savage felt those projects things could have happened without the zoning change. Mr. Oleson said the changes to zoning were based on the current Master Plan.

**APPROVAL OF MINUTES:**

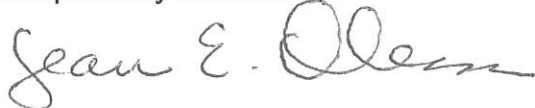
Moved by Les Hilton and seconded by Linda Ogle to approve the minutes of the May 27, 2020 meeting as written. Motion carried.

**OTHER BUSINESS:**

- Master Plan – Linda Ogle advised that the committee is beginning to edit chapters.

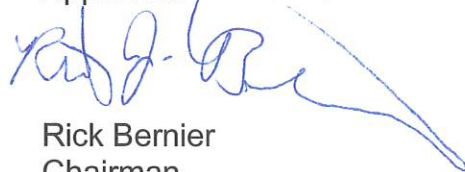
**Moved by Steve Young and seconded by Les Hilton to adjourn the meeting.**  
**Motion carried – meeting adjourned at 6:48 pm.**

Respectfully submitted,



Jean E Oleson  
Clerk

Approved: 10/28/2020



Rick Bernier  
Chairman

# TOWN OF LANCASTER - *New Hampshire*



*"The Friendly Town in the Friendly State"*

03584

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## **COPY** NOTICE OF DECISION ZONING BOARD OF ADJUSTMENT LANCASTER, NEW HAMPSHIRE

Case No. 527

You are hereby notified that the appeal of Daan P. Vondell (Wesson Road, Tax Map R24-Lot 043) for an **Area Variance** regarding Article 5.04 of the Zoning Ordinance, "Setbacks in the Agricultural District", has been **APPROVED** by the affirmative vote of at least three members of the Zoning Board of Adjustment allowing the placement of a structure no less than 38' from the side property line when 40' is required.

### CONDITIONS:

- N/A.

Richard Bernier, Chairperson  
Zoning Board of Adjustment

08/26/2020  
Date of Hearing

Note: The Selectmen, any party to the action or any person directly affected has a right to appeal this decision. See New Hampshire Revised Statutes Annotated, Chapter 677, available at the Town Office. This notice has been placed on file and made available for public inspection in the records of the ZBA on 08/27/2020. Copies of this notice have been distributed to: the applicant, abutters, Planning Board, Board of Selectmen and Town Clerk as well as posted at the Town Hall and Weeks Memorial Library.

**COPY**

**Statement of Reasons  
Zoning Board of Adjustment  
Lancaster, New Hampshire  
Date: August 26, 2020**

**RE: Petition for a variance of: AREA**

**Name of Applicant: Daan P. Vondell  
Property Location: Tax Map R24-Lot 043  
Street Address: Wesson Road**

After reviewing the petition and after hearing all of the evidence and by taking into consideration the personal knowledge of the property in question, the Lancaster Board of Adjustment has determined the following:

1. Granting the variance would not be contrary to the public **interest** because:

Building would be 20" closer to lot line than required (40').

2. The **spirit** of the ordinance would be observed because:

20" is not noticeable in 40'.

3. Granting the variance would do substantial **justice** because:

Piers were placed in winter conditions and a small 20" error occurred.

4. For the following reasons, the **values** of the surrounding properties would not be diminished:

No one would or could see 20" in 40'.

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

- i. there is not a fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

It is miniscule.

- ii. the proposed use is a reasonable one because:

Lot has ledge on it and spots where you can dig are limited.

B. The criteria in subparagraph (A) having not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. The property cannot be used in strict conformance with the ordinance because:

Ledge prohibits the free siting of building.

  
Chairman of the Zoning Board of Adjustment

10/28/20  
Date

  
Clerk

10/28/20  
Date