

**Zoning Board of Adjustment**  
**P.O. Box 227**  
**Freedom, NH 03836**

Freedom Zoning Board of Adjustment: **September 24, 2013**

**Members Present:** Chairman Scott Lees; Vice-Chairman Craig Niiler; Karl Ogren; Jake Stephan; Tim Cupka; John Quigley, Alternate; Denny Anderson, Alternate

Others Present: Ned Hatfield, Zoning Officer; Linda Farinella, Recording Secretary

Chairman Lees called the meeting to order at 7:00 pm.

During the meeting the following case was heard:

**Case #38-3.03-13 Rhonda and Carlton Lane/Berry Bay Condominium Assoc.**

Notification of this meeting was posted at the Freedom Town Office and the Freedom Post Office and published in the Conway Daily Sun.

Chairman Lees introduced the Board to the public.

Motion by Cupka, seconded by Stephan to accept the minutes of the August 27, 2013 as written. The motion passed unanimously.

Chairman Lees invited Case #38-3.03-13 Rhonda and Carlton Lane/Berry Bay Condominium Association to approach the board with a request for a variance under Article 3 Table 304.2 of the zoning ordinance to construct a shed within the side yard setback at 28 Houle Drive.

The board reviewed files from previous application to the ZBA and a 2007 Planning Board Notice of Decision. The FCC had no comment on this application.

Rhonda Lane, applicant, is requesting to construct a shed within the side yard setback. The request comes from the necessity of no storage in the cottage with the exception of one closet. Items left outside become ruined by the weather and pitch. There are rental units on the property and items have disappeared during the summer.

Mrs. Lane explained that there is a sewer line and leach field located near the cottage that make locations for placement of the shed limited. Also, this location would not require tree cutting. Mrs. Lane also wants to be sure she does not impede the view of the lake for other owners.

Chairman Lees asked if this is a condominium development. Mrs. Lane responded yes; a letter from the association was submitted with the application reflecting a unanimous vote to allow the shed to be built on community land. Chairman Lees asked if an approval was given, would this require that the association documents be changed. Mrs. Lane stated yes.

Mrs. Lane presented larger plans showing the whole property. Niiler asked why the shed was not placed in a location that was outside of the setback; there is a lot of open space on the lot. Mrs. Lane responded that the proposed location would not require tree cutting and is located close to her house. Niiler explained that trees can be cut.

Chairman Lees reviewed the 2007 Planning Board decision with the Board to determine if there was a restriction about adding more building to the property.

Chairman Lees read a letter submitted by abutter Mrs. Mary Vynorius. The letter stated Mrs. Vynorius had no objection to the placement of the shed within the setback on the line of her property.

Chairman Lees asked for abutter or public comment.

Mr. Barry Rollins, abutter, asked for the size of the shed. Chairman Lees asked Mrs. Lane to respond. Mrs. Lane stated 16x20 with one and a half stories. Mr. Rollins stated he had no problem with the shed request.

Niiler explained that Mrs. Lane needs to show the board that the location of the shed is the only reasonable place for it on the lot. Mrs. Lane pointed out that during the winter the plowed area would not allow access to the shed if located in Niiler's suggested area. Niiler stated he feels a lot this size can find a place to put the shed that is not within the setbacks; Niiler cannot see a hardship. Anderson agreed with Niiler and stated that all options have not been exhausted.

Stephan stated this appears to be more like a single car garage than a shed in terms of size. Mrs. Lane reiterated that there is no storage space in the house; and that it was suggested to her to ask for the size desired with anticipation that it may be made smaller.

Cupka asked to see a plan with the location of the trees that are the reason for the restricted placement of the shed; Cupka added that he feels the shed is too big.

Chairman Lees explained to Mrs. Lane that the board can vote on this application tonight or Mrs. Lane can ask for the hearing to be continued to give her the chance to show a hardship and/or reasons for the placement of the shed. Mrs. Lane opted to return next month.

Motion by Chairman Lees, seconded by Cupka to continue this application to the October 22<sup>nd</sup> meeting. The motion passed unanimously.

A reminder letter will be sent to Joseph Walbridge of Case #30-1-2-12A if nothing has been received by October 1<sup>st</sup>. The approval of 2012 required photographic evidence of healthy tree planting be submitted to the board.

Niiler will work on the letter to the Planning Board regarding tree cutting.

Meeting adjourned at 8:00pm.