

**TOWN OF JAFFREY D HAMPSHIRE  
ZONING BOARD OF ADJUSTMENT  
Minutes  
December 7, 2020**

**Reason for denial:** No visible hardship was demonstrated. (5-0-0)

ZBA 20-19      Joan Lathrop, Owner – 73 Tenacres Rd  
Map 241 Lot 2 Zone: Res A (with town water)

Variance – The applicant requests a variance to allow construction of a 2-car garage within the side setback (Land Use Code, Zoning Ordinance Section V, 5.7 & VI, 6.1)

M Tieger stated at the site visit it was suggested that the proposed garage be moved closer to the driveway, further from the property line to be less non-conforming.

W Batchelder asked the applicant what they would prefer in terms of distance from the property line. Ms. Lathrop responded she would prefer what was proposed. The garaged was used over the weekend due to an impending snow storm. As it is situated now it is a tight turn to get in. It would be more difficult to navigate if the building was moved closer to the driveway.

L Sawyer noted that moving it would still be within the setbacks. M Tieger agreed, however it would be less non-conforming

A **motion** was made by Sawyer to grant the variance for a 2-car garage, 10 feet from the side setback. *This motion died for lack of a second.* There was some confusion as to the distance of the proposed building from the property line. R Deschenes clarified, the distance is 10 feet.

A Webber believes the building could be moved closer to the driveway and does not feel that a hardship has been demonstrated. W Batchelder agrees. That side of the property is very wooded right now, that could change in the future.

A **motion** by Webber, seconded by Batchelder to deny the variance due to lack of hardship. *This motion was withdrawn.*

**Chairman Sawyer closed the public hearing.**

**DECISIONS**

ZBA 20-18      Arben Kolenovic, Owner – 329 Woodbound Rd  
Map 242 Lot 38 Zone: Res A (with town water)

Variance – The applicant requests a variance to allow construction of an 8' x 16' deck within the rear setback, the wetland conservation district and the shoreland overlay district. (Land Use Code, Zoning Ordinance Section VI, 6.1, XIX, 19.6.2, XX, 20.3 & 20.5.2)

On a **motion** by Webber, seconded by Brayall the variance to allow construction of an 8' x 16' deck within the rear setback, the wetland conservation district and the shoreland overlay district was denied. (5-0-0) AW, EB, LS, MT, WB

**Reason for denial:** No visible hardship was demonstrated.

**TOWN OF JAFFREY D HAMPSHIRE  
ZONING BOARD OF ADJUSTMENT**

**Minutes**

**December 7, 2020**

**Present:** Chairman Lee Sawyer, Members Walter Batchelder (via Zoom), Marc Tieger, Andy Webber, and Erlene Brayall (alt)

**Others:** Judy Lucero, and Carl Jevney

**Staff:** Jo Anne Carr (via Zoom), Code Enforcement/Building Inspector Rob Deschenes, Recording Secretary Newton, Chief David Chamberlain

**Via Zoom:** Elizabeth Webster, Conservation Commission, Arben Kolenovic, applicant, Joan Lathrop and Jonathan Garhart, applicant, and David Jeffries

**Chairman Sawyer called meeting to order at 3:00 pm**

**Chairman Sawyer closed the public hearing**

**DELIBERATIONS**

ZBA 20-18      Arben Kolenovic, Owner – 329 Woodbound Rd  
Map 242 Lot 38 Zone: Res A (with town water)

Variance – The applicant requests a variance to allow construction of an 8' x 16' deck within the rear setback, the wetland conservation district and the shoreland overlay district. (Land Use Code, Zoning Ordinance Section VI, 6.1, XIX, 19.6.2, XX, 20.3 & 20.5.2)

M Tieger gave a recap of the site visit. Members were unable to find old footings under the newly constructed section of the deck. In addition, they noted that the water comes up to the boat house under the original deck.

R Deschenes stated that he did not send a Cease and Desist letter to Mr. Kolenovic at the time the deck construction was discovered as Mr. Kolenovic agreed to apply for the variance. However, the applicant was advised to not continue with construction.

W Batchelder noted property record cards from 1986, 2000 and 2005 do not show this section of the deck.

A Webber stated that he could see one footing from the original deck however he does not see a hardship.

W Batchelder pointed out that Mr. Kolenovic was told to stop by the BI/CEO and completed the project anyway. The applicant stated not having a deck outside the slider is a safety concern, however, it has been that way for many years. E Brayall agrees with WB, the door was not an issue. The slider was recently replaced. She does not feel a hardship has been demonstrated.

L Sawyer is familiar with the property and remembers the deck being just over the boat house.

Mr. Kolenovic stated that when building inspector came out and informed him of the need for a variance he immediately responded by providing all the required paperwork etc. At that time, the deck was 50% complete and he was concerned that the unfinished deck was a safety hazard.

M Tieger explained that in order for the variance to be granted all five criteria must be met. A variance is granted when a hardship associated with a property is preventing the property from meeting the requirements of the zoning ordinance. He does not feel a hardship was demonstrated.

On a **motion** by Webber, seconded by Brayall to deny the variance to allow construction of an 8' x 16' deck within the rear setback, the wetland conservation district and the shoreland overlay district. (5-0-0) AW, EB, LS, MT, WB

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**Minutes**

**December 7, 2020**

ZBA 20-19 Joan Lathrop, Owner – 73 Tenacres Rd  
Map 241 Lot 2 Zone: Res A (with town water)

Variance – The applicant requests a variance to allow construction of a 2-car garage within the side setback (Land Use Code, Zoning Ordinance Section V, 5.7 & VI, 6.1)

On a **motion** by Batchelder, seconded by Webber a variance to allow construction of a 2-car garage, 15 feet from the side setback, was granted as presented per testimony given. (5-0-0) AW, EB, LS, MT, WB

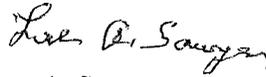
**ADJOURNMENT**

The meeting adjourned at 3:50 pm  
Submitted:



Rebecca Newton  
Recording Secretary

Attest:



Lee A. Sawyer  
Chairman, Jaffrey ZBA