

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

Minutes

January 12, 2021

Present: Chairman Sawyer, Members Batchelder, Tieger, Webber, and Brayall (alt)

Absent: Member Cournoyer

Staff: Code Enforcement/Building Inspector Rob Deschenes, Recording Secretary Newton

Chairman Sawyer called meeting to order at 4:00 pm

REHEARING REQUEST

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)

The case was originally heard on Dec. 1, 2020, a site visit was conducted on Dec. 2, 2020, and the decision to deny the variance was made at the Dec. 7, 2020 deliberation. The reason for denial was: No visible hardship was demonstrated.

On December 31, 2020 the board received a request for rehearing from Attorney Silas Little on behalf of the owner Arben Kolenovic.

Chairman Sawyer stated he did not feel that the Board made an error or missed anything in their initial judgement concerning hardship. He noted that the Board did not discuss all five criteria during the hearing. However, the board unanimously agreed that the application did not meet the criteria for hardship, resulting in the denial of the variance. He feels the prior decision should stand and the request for rehearing be denied. AW, MT, EB and WB agree.

No new, relevant information was provided with the request for rehearing. Letters of support from abutters were submitted but were not relevant to the issue of a hardship. Old photos were submitted that clearly show an existing slider and deck above the boat house. To the left of that, where the new deck was constructed, appears to be a window. The only deck shown on the property record cards is the one over the boat house. A Webber noted that the letter states that the slider existed in 1972, but has only recently become a hazard. E Brayall stated that the code does not require a deck and stairway, other options are available such as a guard rail or a balcony.

The question regarding the size of the deck was addressed. E Brayall noted that the owner did not offer to reduce the size of the deck or offer another option. R Deschenes noted an expansion of any size is not allowed without a variance. The Land Use Code states that replacement or repairs or can only be done on what was clearly existing.

On a **motion** by Batchelder, seconded by Webber the board voted to deny the request for a rehearing.
(5-0-0)

E Brayall noted that in his letter, Mr. Little refers to the IRC (International Residential Code) that states a 3-foot landing and staircase is required for an exterior door. R Deschenes clarified that this rule applies only to the primary door. The sliding door in question is secondary and would only require a guard rail.

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ADJOURNMENT

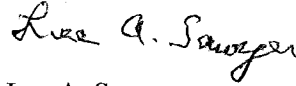
The meeting adjourned at 4:18 pm

Submitted:



Rebecca Newton,
Recording Secretary

Attest:



Lee A. Sawyer
Chairman, Jaffrey ZBA