

# NOTICE OF DECISION

## Washington Zoning Board of Adjustment

**Case No:** 14-309

**Date of Decision:** 2/1/2023



The Selectmen, any party to the action, or any person directly affected has a right to appeal this decision. For complete information, see [RSA 677:2 Rehearing and Appeal Procedures](#). This notice has been placed on file and made available for public inspection in the records of the ZBA. Copies of this notice have been distributed to the applicant and the Board of Selectmen.

<b>Applicant</b>	F Rock Trust
<b>Address</b>	421 Presidential Drive
<b>Owner</b>	Linda Herskowitz and Corey Austin
<b>Lot</b>	14-309

You are hereby notified of the decision by majority vote of the ZBA of the following variances.

	<b>Variance</b>	<b>LUO</b>	<b>Decision</b>
<b>1</b>	A front setback of 27' where 50' is required	202	Denied

The Board's decision is subject to the following conditions subsequent.

	<b>Conditions Subsequent</b>
<b>1</b>	Prior to any request for a rehearing or the submission of a new proposal, the applicant shall file an amended permit application, correcting the arithmetic and measurement errors found on page 4 and disclosed during the public hearing.

## References

<b>RSA 674:33</b>	Powers of Zoning Board of Adjustment	<a href="https://tinyurl.com/3s33w79d">https://tinyurl.com/3s33w79d</a>
<b>RSA 677:2</b>	Rehearing and Appeal Procedures	<a href="https://tinyurl.com/mr3erk82">https://tinyurl.com/mr3erk82</a>
<b>LUOs</b>	Washington Land Use Ordinance	<a href="https://tinyurl.com/yrdscxba">https://tinyurl.com/yrdscxba</a>
<b>Application</b>	Application for a Variance 11/2/2022	<a href="https://tinyurl.com/yc2rcr63">https://tinyurl.com/yc2rcr63</a>

## Findings of Fact

<b>Variance Criteria</b>	<b>Satisfied?</b>
Variations must not be contrary to the public interest	Undecided
The spirit of the Land Use Ordinance will be observed	Undecided
Substantial justice will be done	Undecided
The values of surrounding properties will not be diminished	Undecided
Literal enforcement of the Land Use Ordinance would result in unnecessary hardship	No

The Board determines that the application fails because the proposed 30'x40' garage can be built in a conforming location where no setback variance is required. Further, because there is a reasonable method of effectuating the proposal without the need for a variance, no unnecessary hardship exists.