



**Town of Henniker
Zoning Board
Tuesday, August 16, 2023, 7 PM
Henniker Community Center**

Members Present: Chairwoman Doreen Conner, Vice Chairwoman Joan Oliveira, Gigi Laberge, Robert Pagano, Leon Parker, Alternate Ron Taylor

Member's Excused:

Town Planner: Mark Fougere

Recording Secretary: Hank Bernstein

Guests: Susan French, Milic Djurdjica

A) Call to order

Chair Connor called the meeting to order at 7:00 pm

B) Public Meeting:

Case 1. ZBA Case 2023:01: Variance application to add a second detached housing unit on the property where zoning only allows one detached unit; requesting relief from Article VII, Section 133-26, Applicant/Owner Susan French, 253 French Road, Map 6 Lot 290, Zoned RR.

Ms. French went through the variance application.

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

There is a current housing crisis and granting this variance will be a small but immeasurable benefit.

2. Describe how the spirit of the ordinance would be observed by granting the variance:

It will be in keeping the low density open area of the property. Tiny home footprints are small and modest.

3. Describe how substantial justice would be done by granting the variance:

I will be contributing to the housing shortage and affordability.

4. Describe how values of surrounding properties would not be diminished:

A tiny house is attractive and has low impact on the surroundings.

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

Ms. French noted that she was confused by this question and answered it to the best of her ability.

- a. **No 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:**

Two family dwellings are permitted under Article VII in an RR district and open space residential development.

b. The proposed use is a reasonable one because:

It is not allowed under Special Exception; therefore, I am asking for a Variance.

- c. If the criteria in subparagraph 5(a) and (b) are 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.**

This would be an addition of one small dwelling in the rear of the open area of my property. Approximately 400' from the road. This will not be a nuisance or be obtrusive in any way. There will be minimal traffic impact. It won't be located on any of the existing farmland.

Chair Connor opened the discussion to public input

Milic Djurdjica, or French Rd, asked if this variance were to be allowed, would it set a precedence and bring more tiny homes? Is this land becoming a mobile home park? Chair Connor noted that discussion at this meeting is for one application. If there was a request for another tiny house it would have to come back to the Board. B. Pagano shared that if the Board were to approve the application, it would not be a blanket approval for future application. Ms. Djurdjica asked how this variance might affect fair market value. Chair Connor noted that is not for the Zoning Board to decide, however one of the criteria for approval is that the variance will not decrease market values.

The Zoning Board further discussed the property.

The Board enter deliberations.

Criteria #1: The variance will not be contrary to public interest.

Two in favor, three opposed.

Criteria #2: The spirit of the ordinance is observed.

Two in favor, three opposed.

Criteria #3: Substantial justice is done pedestrian safety.

One in favor, four opposed.

Criteria #4: The values of surrounding properties are not diminished.

Three in favor, two opposed.

Criteria #5: Denying the application will cause undue hardship.

When asked if denying the application will cause undue hardship, the applicant noted that granting the variance would be a financial benefit to her.

Five opposed.

The Zoning Board, after discussing the proposed application, voted to Deny the application 5 to 0 as the Variance application did not meet Statutory criteria.

C) Meeting Minutes January 19, 2022

FINAL

The Board members reviewed and presented proposed changes.

Leon Parker moved to approve the meeting minutes of January 19, 2022, as amended. Bob Pagano seconded. Motion carried 5-0.

D) Other Business

The Zoning Board discussed changes to their procedure, discussing possible solutions for minute approval.

The Zoning Board also discussed changing their meeting time to earlier in the evening. **Bob Pagano moved to start the Zoning Board meetings at 6 PM, seconded by Chair Connor. Motion carried 5-0.**

Bob Pagano moved to adjourn the meeting at 7:55 p.m. Leon Parker seconded. Motion carried, 5-0.

Respectfully Submitted,
Hank Bernstein

Minutes Approved: 09/06/2023