



TOWN OF WAKEFIELD, NEW HAMPSHIRE
LAND USE DEPARTMENT

2 HIGH STREET
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**Notice of Decision
Map 190, Lot 013
ZBA Variance - Granted**

Applicant: Margaret Baird

Date: December 19, 2023

Owner: Margaret Baird

Location: 111 Heath Rd, TM 190-013

Subject: Request for a variance seeking relief from Wakefield Zoning Ordinance, Article 3, Table 2, Minimum Setbacks in order to construct a front porch.

Findings:

1. The Zoning Board of Adjustment (ZBA) conducted a site walk on December 9, 2023 to view the subject property.
2. The ZBA held a hearing on December 14, 2023 to consider the Variance Application.
3. Mr. Stewart explained to the applicant that there was not a full board present at the meeting. The applicant consented to proceed with only 3 members of the board present.
4. The subject parcel is .24 acres located in the Agricultural Zone.
5. The proposed front porch is 16' x 8' in place of a small stoop and intended to be for practical use and enjoyment.
6. Additionally, the proposed deck will provide a place to store the snow blower that she currently has to pull out from the kitchen.
7. House is currently approximately 22' from the road based upon estimation from GIS data and the property slopes down from the road to the house.

Decision:

Relative to each of the following five variance criteria, the board voted 3-0-0 to use the applicant's submission, and approve the criteria.

1. The value of surrounding properties would not be diminished, instead it will increase the value of the applicant's property.
2. The variance is not contrary to the public interest because it would not adversely affect neighboring properties or essential character of the neighborhood. The proposed use would not be contrary to the public interest or injurious to the public or private rights of others.
3. Granting the variance would do substantial justice because the proposed use would not cause harm to the general public and there would not be a harm that outweighs the benefit to the property owner.
4. The spirit of the ordinance would be observed because the addition would not have an undesirable impact on the surrounding properties, would not result in any dangerous consequences, does not propose a threat to the zoning ordinance, and would not threaten public health, safety or welfare.
5. Literal enforcement of the ordinance would result in an unnecessary hardship because the proposed front porch would not have an undesirable impact on the surrounding properties, would not result in any dangerous consequences or create any hazardous conditions and does not propose a threat to the "zoning scheme." The proposed use is reasonable in its setting.

The board voted 3-0-0 to GRANT the variance request.

Please note that the selectmen, any party to the action, or any person directly affected has the right to appeal this decision within 30 days from the Notice of decision. Before any appeal to the courts, the appellant must apply to the ZBA for a rehearing of the original application, but submitting a signed written request for hearing and specifying therein all grounds on which the rehearing is requested. See RSA 677:2 and 677:3 to ensure full compliance. See also RSA 677:4 for appeal procedures, in the event of a decision by the Board on motion for rehearing. The statutes are available online or in the Wakefield Land Use office.



Don Stewart, Zoning Board of ZBA

12/20/23
Date