



TOWN OF WAKEFIELD, NEW HAMPSHIRE  
LAND USE DEPARTMENT

2 HIGH STREET  
SANBORNVILLE NH 03872  
TELEPHONE: (603) 522-6205 X308  
FAX: (603) 522-2295

**Notice of Decision**  
**Map 081, Lot 033**  
**ZBA Variance - Granted**

**Applicant:** David and Kerri Swift

**Date:** May 16, 2024

**Owner:** David and Kerri Swift

**Location:** 62 Sleepy Hollow Road, TM 081-033

**Subject:** Request for a variance seeking relief from Article 3, Table 2, of the zoning ordinance to construct a 433 square foot deck off the existing structure within the 50 foot shoreline setback.

**Findings:**

1. The Zoning Board of Adjustment (ZBA) conducted a site walk on May 9, 2024 to view the subject property and held a hearing on May 9, 2024 to consider the Variance Application.
2. Mr. Stewart explained to the applicant that there was not a full board present at the meeting. The applicant consented to proceed with only 4 members of the board present.
3. The property is a 0.6 acre lot in the Residential II zone with 115-feet of frontage.
4. The applicant seeks to connect the new deck to an existing porch and create additional space to dine outdoors and entertain.
5. The existing cottage is a small seasonal home.
6. The existing deck is approximately 30 years old.
7. The property was originally constructed as a camp in the 1930's, predating the 50' setback that did not exist at that time. The existing cottage is sited within the setback and has been improved over time.
8. The applicant has applied for and been granted a NHDES Shoreland Permit.
9. Mr. Stewart advised the applicant that there is a 30-day appeal period. Any work conducted before conclusion of that period is at the applicant's risk. It is recommended to wait until the appeal period is concluded before commencing the proposed improvements.

**Decision:**

Relative to each of the following five variance criteria, the board voted 4-0-0 to use the applicant's submission, and approve the criteria.

1. The value of surrounding properties would not be diminished because the proposed deck will not obstruct or interfere with neighboring properties and would be an improvement to the existing deck that is almost 30 years old.
2. The variance is not contrary to the public interest because it promotes responsible development and will have a positive impact to the value and appeal of the neighboring area.
3. Granting the variance would do substantial justice because it will allow the applicant to make greater use of the property, provide more deck space to enjoy the lake, and space for table and chairs.
4. The spirit of the ordinance would be observed because the deck provides more space and will improve the functionality and value of the property without diminishing the value of the surrounding properties.
5. Literal enforcement of the ordinance would result in an unnecessary hardship because the original location of the camp as built in the 1930s was built in the setback and can not add deck space without encroaching on the setback.

**The board voted 4-0-0 to GRANT the variance request to construct a deck, attached to the existing structure, within the 50-foot shoreline setback.**

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

5/17/2024  
\_\_\_\_\_  
Date