

Mary Ann Crowell
Register of Deeds, Hillsborough County

#541
Hillsborough

FEES:	15.43
SURCHARGE:	2.00
CASH:	

TAX



Town of Hillsborough
Zoning Board of Adjustment
27 School Street
P.O. Box 7
Hillsborough, NH 03244
(603) 464-3877

NOTICE OF DECISION
September 11, 2023

Case 2023-05

Two Variances

Harvey Way (Map 110 Lot 152)

Jack Franks/Avanru Development Group Ltd.

On September 11, 2023, the Zoning Board of Adjustment of the Town of Hillsborough held a public hearing on two variance applications submitted by Jack Franks of Avanru Development Ltd. to obtain two variances as allowed under RSA 674:33-a.

Based on the application and testimony given at the hearing, the Board hereby makes the following findings of fact:

1. The application was presented by Chad Branon of Fieldstone Land Consultants PLLC.
2. The property is located on Harvey Way, Map 110 Lot 152
3. The applicant is Jack Franks/Avanru Development Group Ltd.
4. The owners of record of the lot are Terry and Adele Thomas.
5. Two Variances are required for residential development in the Commercial Zone that is not in conjunction with a Commercial Use.

Findings Variance 1:

The proposed multi-family use on the property requires a variance pursuant to Article III, section 229-20 (A) for a dwelling more than four family use not secondary to a commercial use per Attachment 4:1, Zoning table 4 Chart of Uses.

A. Granting the proposed Variance will not be contrary to the public interest because:

- i. There is a need for housing.
- ii. Businesses are struggling to find people to hire.
- iii. There are residential uses adjoining the property.

B. Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance because:

- i. The proposed Multi family development will not be dissimilar to a nursing home, retirement home, hotel, or motel, all of which are permitted by right in the Commercial District.

C. Granting the proposed Variance will do substantial justice because:

- i. The benefit to the applicant is not outweighed by a loss to the general public.

D. Granting the proposed Variance will not diminish the values of the surrounding properties because:

- i. No evidence was presented to demonstrate that the value of the surrounding properties would be diminished.

E. Literal enforcement of the provisions of the ordinance will result in an “unnecessary hardship” because:

(1). Owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one because:

- i. There is a need for housing.
- ii. The property is unusually shaped.
- iii. The proposed use is not out of character with the existing neighborhood on Harvey Way

Approval:

On September 11, 2023, the Zoning Board of Adjustment voted to approve the appeal of Jack Franks, Avanru Development Group Ltd for a variance by a vote of 5 to 0.

Findings Variance 2:

The proposed residential subdivision requires a variance pursuant to Article III, Section 229-20 (A) Attachment 4:1, Zoning Table 4 Chart of Uses for a single-family dwelling units not secondary to a commercial use.

A. Granting the proposed Variance will not be contrary to the public interest because:

- i. There is a need for housing.
- ii. Businesses are struggling to find people to hire.
- iii. There are residential uses adjoining the property.

B. Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance because:

- i. The proposed single-family development will not be dissimilar to a nursing home, retirement home, hotel or motel, all of which are permitted by right in the Commercial District.

C. Granting the proposed Variance will do substantial justice because:

- i. The benefit to the applicant is not outweighed by a loss to the general public.

D. Granting the proposed Variance will not diminish the values of the surrounding properties because:

- i. No evidence was presented to demonstrate that the value of the surrounding properties would be diminished.

E. Literal enforcement of the provisions of the ordinance will result in an “unnecessary hardship” because:

(1). Owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one because:

- i. There is a need for housing.
- ii. The property is unusually shaped.
- iii. The proposed use is not out of character with the existing neighborhood on Harvey Way.

Approval:

On September 11, 2023 the Zoning Board of Adjustment voted to approve the appeal of Jack Franks, Avanru Development Group Ltd for the variance by a vote of 5 to 0.

Roger Racette
Roger Racette, Vice Chairperson
Hillsborough Zoning Board of Adjustment

Date: 9/15/2023