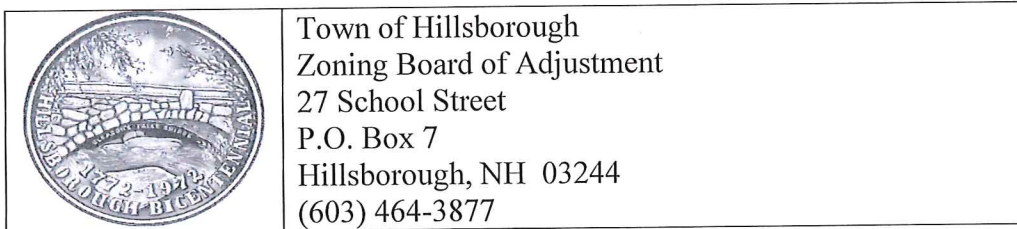


540
Town of Hillsborough

FEES:	16.43
SURCHARGE:	2.00
CASH:	—



NOTICE OF DECISION
November 20, 2023

Case 2023-07

Variance

Union Street (Map 25 Lot 86-1)

Megan Criner on behalf of Raymond Gauthier of York River LLC

On November 13, 2023, the Zoning Board of Adjustment APPROVED the appeal of Megan Criner on behalf of Raymond Gauthier of York River LLC. for a variance to locate a mobile home on Map 25 Lot 86-1, in accordance with the application and the following findings of fact:

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

1. The application was submitted by Megan Criner on behalf of Raymond Gauthier of York River LLC.
2. The property is located on Union Street, Map 25 Lot 86-1 in the Village Residential Zone.
3. York River LLC is the owner of record of the property.
4. A Variance is required to allow the location of a Mobile Home on a lot in the Village Residential zone.

The proposed mobile home requires a variance to be located on a piece of property in the Village Residential zone per Attachment 4:1, Zoning table 4 Chart of Uses, Residential Uses, Mobile Home/Manufactured Housing.

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

- i. The application demonstrated that both adjoining landowners support the project.
- ii. This provides much-needed affordable housing.

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

- i. The applicant testified that the mobile home will meet all zoning requirements including property setbacks and well and septic setbacks.
- ii. The applicant testified that the mobile home will not be seen from the road.

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

- i. It allows the prospective landowner to make improvements on their property.
- ii. 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. Mobile Homes are already factored into the land values on Union Street.
- ii. There was no evidence presented that demonstrated that land values would decrease as a result of this variance.

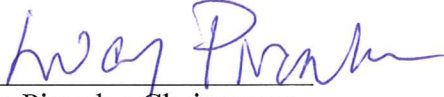
E. Literal enforcement of the provisions of the ordinance will result in an “unnecessary hardship” because:

(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. The Board did not agree that the applicant satisfied criteria E 1 (i) with a vote of 1 to 4 against because there are no special conditions of the property that distinguished it from other properties. No hardship was found.
- ii. The Board agreed that the applicant satisfied criteria E 1 (ii) with a vote of 3 to 2 in favor because the proposed use is a reasonable one and the request will create affordable housing.

Approval:

On November 13, 2023, the Zoning Board of Adjustment voted to approve the appeal of Megan Criner on behalf of Raymond Gauthier of York River LLC for a variance with a vote of 5 to 0.



Lucy Pivonka, Chairperson
Hillsborough Zoning Board of Adjustment

Date: 11-28-2023