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#539 Hillsborough Planning Board

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Mary Ann Crowell
Register of Deeds, Hillsborough County

	Town of Hillsborough Zoning Board of Adjustment 27 School Street P.O. Box 7 Hillsborough, NH 03244 (603) 464-3877
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NOTICE OF DECISION
January 9, 2024

Case 2024-01

Variance and Special Exception

93 West Main Street (Map 25 Lot 004)
Gabriel Bile, Silver Star Realty LLC.

On January 8, 2024, the Zoning Board of Adjustment of the Town of Hillsborough held a public hearing on a variance and special exception as allowed under RSA 674:33-a submitted by Gabriel Bile of Silver Star Realty LLC.

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

General Findings of Fact:

1. The property is located at 93 West Main Street.
2. The property is located in the Central Business District.
3. The application was presented by Gabriel Bile of Silver Star Realty LLC.
4. The parcel in question has sufficient lot area for two lots

Findings of Fact Variance

The proposed variance is to allow the eventual subdivision of Map 25 Lot 004 into two lots. Each lot will have 90.5 feet of frontage which is less than the 100 foot frontage per lot as required in the zoning ordinance.

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

- i. There is a need for more housing.
- ii. Allowing additional housing is in the public good.

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

- i. There are other similar sized lots in the area.
- ii. It is not out of character with the surrounding developments.

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

- i. The change in the frontage requirement is diminimus.

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

- i. There was no evidence presented that it will diminish the value of the surrounding properties.

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. It is minimal frontage that he cannot provide.

Approval:

On January 8, 2024, the Zoning Board of Adjustment voted to approve the appeal of Gabriel Bilc of Silver Star Realty LLC. for the variance by a vote of 4 to 1.

Findings of Fact-Special Exception:

The two-family dwelling proposed on the new lot to be created by subdivision requires a special exception per the Table 4 Chart of Uses, Residential Uses in the Central Business District Note #2 for dwellings at street level.

Findings of Fact

A. The ZBA shall hear and decide requests for Special Exceptions that are specifically authorized in Table 4 Chart of Uses:

- i. The use is specifically authorized in the Table 4 Chart of Uses, Residential Uses in the Central Business District Note #2 which states dwellings at street level require a special exception. The minimum floor area for any dwelling unit shall be 600 square feet.

B. The requested use will not create undue traffic congestion or unduly impair pedestrian safety:

- i. There is no evidence that either of the those (traffic congestion or unduly impair pedestrian safety) will happen.

C. The requested use will not overload any public or private water, drainage, or sewer system or any other municipal system, nor will there be any significant increase in storm water runoff onto adjacent property or streets. :

- i. There is no evidence water, drainage, sewer or any municipal systems will be overloaded or there will be a significant increase in runoff.

D. The requested use will not create excessive demand for municipal police, fire protection, schools, or solid waste disposal services.

- i. There is no evidence that the use will create excessive demand for municipal police, fire protection, schools, or solid waste disposal services.

E. Any requirements and standards for the specific use as set forth in the Zoning Ordinance are fulfilled.

- i. The residential uses will be 600 square feet or more.

F. The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to or out of character with the adjacent neighborhood.

- i. There is no evidence that the requested use will create hazards to the health, safety, or general welfare of the public, nor be detrimental to or out of character with the adjacent neighborhood.

G. The requested use is consistent with the spirit and intent of this Ordinance and the Master Plan

- i. The requested use is consistent with the Zoning Ordinance and the Master Plan.

Approval:

On January 8, 2024, the Zoning Board of Adjustment voted to approve the appeal of Gabriel Bile of Silver Star Realty LLC for the special exception by a vote of 5 to 0.

Lucy Pivonka
Lucy Pivonka, Vice Chairperson
Hillsborough Zoning Board of Adjustment

Date: 2-12-24