



TOWN OF LINCOLN, NH
Planning & Zoning Department
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February 16th, 2011

NOTICE OF DECISION

Zoning Board of Adjustment

Town of Lincoln

RE: Case No. 11-01 – Thomas Tremblay

The application submitted by Thomas Tremblay, for a Variance from Article VI, Section B2 of the Town of Lincoln Land Use Plan Ordinance – Residential Land Uses - was **DENIED**, on February 16th, 2011 by a vote of the Zoning Board of Adjustment.

The reasons for denial were as follows (agree-disagree-abstain):

- 1) The values of the surrounding properties would not be diminished because: **Agree** (4-0-0)
 - a. The ZBA agreed unanimously that surrounding properties would not be adversely affected by granting the variance. The structure would be more attractive and in compliance with the dimensional requirements of the Land Use Plan Ordinance. Removing distasteful non-conforming structures that currently exist would increase the value of the surrounding properties.
- 2) Granting the Variance would be contrary to the public interest because: **Disagree** (1-3-0)
 - a. The ZBA disagreed by a majority vote that it would not be contrary to the Public Interest to grant the variance because it would set a precedent for the entire neighborhood. If anyone in that section of the Village Center Zone were to apply for a variance, they could get one and that could result in each home having an accessory apartment over their garage.
- 3) Owing special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because: **Disagree** (1-3-0):
 - a. The ZBA disagreed by a majority vote that denial of the variance would result in unnecessary hardship because all houses in the neighborhood are faced with the same hardship, therefore, the conditions of the property are not unique.

4) Granting the variance would do substantial justice because: **Split** (2-2-0)

- a. The ZBA was split regarding whether the variance would do substantial justice. Those arguing that it would do substantial justice said that because the trailer is a “de facto accessory apartment”, there would not be a potential traffic increase because the right of way has the potential to be used as it is now. Those arguing that it would not do substantial justice said that single lane road would not be able to handle many accessory apartments because the traffic would become too great for that small neighborhood. Because they felt granting the variance would set a precedence in that neighborhood, the neighborhood abutters would be adversely affected by the traffic and therefore, it would do the opposite of what they thought of as substantial justice.

5) The use is not contrary to the spirit of the ordinance because: **Disagree** (0-3-1)

- a. The ZBA disagreed that the proposed use would not be contrary to the spirit of the ordinance because they believed that part of the reason that area is its own zoning district is that 1) there is not enough room to allow for detached accessory apartments and 2) The characteristics of the neighborhood is that of the old mill town that Lincoln once was. The ZBA felt that if the variance were to be granted it would change the entire characteristic of the neighborhood which the Village Residential Zone was meant to maintain.

FOR THE ZONING BOARD OF ADJUSTMENT

Matt Henry
Zoning Administrator

Notice: The Board of Selectmen or any party to the action or any person directly affected has a right to appeal this decision up to 30 days from the date of this notice. See New Hampshire Revised Statutes Annotated (NH RSA), Chapter 677, available at the Lincoln Town Offices during regular working hours. This notice has been placed on file and made available for public inspection in the records of the ZBA on February 21st, 2011. Copies of this notice have been distributed on February 21st, 2011 to:

Applicant: Thomas Tremblay
Board of Selectmen
Town Manager
Town Clerk
Tax Assessor