



**Zoning Board of Adjustment
Town of Eaton
Evans Memorial Building
Eaton, NH 03832**

October 21, 2024

The Zoning Board of Adjustment met on Monday, October 21, 2024, at the Town Hall. Present were Chairman Steve Larson, Hoke Wilson, John Border, Carol Mayhofer, and Pam Burns. The meeting was called to order at 6:03 pm.

Steve Larson made a motion to waive the reading of the Minutes from the previous meeting and adopt them as written. Carol Mayhofer seconded the motion. The motion unanimously carried.

Chairman Steve Larson read the Public Notice and gave an overview of the procedure for Public Hearings.

Case #202405 Thomas and Heidi Parilla

At 6:03 pm Chairman Larson opened the Public Hearing on an application from Thomas and Heidi Parilla for a Special Exception to Article VI, Section 5 of the Zoning Ordinance. The applicants seek to remove three structures from their property and replace them with a one car garage.

All notices required by statute have been posted, abutters notified, and all fees paid. There were no conflicts of interest. No correspondence has been received.

Mark McConkey was present to represent the Parillas. Mark McConkey stated that the plan is to remove three structures from the property and replace them with a one car garage. A Special Exception is required because the proposed garage will be within the property line setbacks on the sides of the lot. However, the proposed garage does meet the required setbacks for the road and shoreline. The proposed garage will be approximately 24.5 feet from the property line. Mark McConkey stated that the buildings that will be removed are in bad condition and can be considered an eyesore. The proposed garage will use less lot coverage and will not impede any neighbor's views. Carol Mayhofer asked how tall the garage will be. Mark McConkey stated that it will be a one-story structure. John Border asked about the location of the well on the property. Mark McConkey stated that it was 10-15 feet from the lake, which is within the State Standards. Steve Larson stated that the garage is within the Shoreline Protection and needs approval from the State but stated that he believes the approval will be granted in this case. Carol Mayhofer stated that she appreciated that the other sheds will be removed, and that an effort has been made to make the new garage conform to the rules as much as possible. The Board also noted that the proposed garage is as centered on the property as it can be, and that it is modest as it is one story tall and sized for only one car.

At 6:22 pm, Steve Larson made a motion, seconded by Hoke Wilson, to approve the Special Exception with the condition that the Applicants receive approval from the State regarding the Shoreline Protection Act. The motion unanimously carried.

Case #202406 Leonardi Rehearing

At 6:23 pm, Chairman Larson began the Request for Rehearing of Case #202404, in which Timothy and Charline Leonardi were granted a Variance to place a shed within the road setback. No conflicts of interest were noted. Steve Larson stated that in the time since the original Public Hearing, the Board had been made aware that one abutter to the property in question was not properly notified of the Public Hearing. Steve Larson stated that he believed this mistake alone would be grounds for granting a Rehearing of the case. The Board then considered the Selectmen’s reasons for requesting a rehearing:

A) “The Variance will not be contrary to the public interest.”

Steve Larson pointed out that since there was no correspondence from neighbors and no one attended the Public Hearing, the Board incorrectly assumed there were no complaints about the shed. Pam Burns added that since one abutter was not notified, that meant they could not come to the Public Hearing, even if they were unhappy about the shed. Steve Larson and Hoke Wilson stated that the Board focused on the appearance of the shed, and that appearance of structures is not included in the Ordinance and should have no bearing on the decision.

B) “The spirit of the ordinance is observed.”

Steve Larson stated that the purpose of the Ordinance is to allow privacy on the property but to prevent structures from being built to close to boundary lines. Carol Mayhofer stated that the rules regarding road setbacks also have to do with snowfall and plowing. John Border stated that the property is a corner lot, so it has three setbacks and that the current shed placement violates all three. Pam Burns stated that the need to cut down trees to follow the setback rules is not a hardship. She also stated that a property owner only has one year after removing a structure to replace it with a new one, and it has been much longer than a year since a structure was previously in that location.

C) “Substantial justice is done.”

Steve Larson stated that the applicants did provide a plot plan, but that the steepness of the property appeared worse on the plan than it is in person. He also stated that the Residents of Eaton were the ones who decided on the setbacks for the Town, and that ignoring them does not do justice.

E) “Enforcement of the Ordinance would result in unnecessary hardship.”

Carol Mayhofer stated that the applicants already have a house and garage on the property, and that not having a shed is not a hardship. Lianne Boelzner stated that if the applicants wanted to claim a hardship due to steep slopes, the Board should have ended the Public Hearing at that point and directed the applicants to the Planning Board. The Planning Board determines steep slope based on soil testing.

Hoke Wilson stated that an attractive violation is still a violation, and that the Board's job is to follow the law. Carol Mayhofer agreed and stated that the Board's responsibility is to uphold the laws that the residents of the Town have voted on. Carol Mayhofer commented that she feels there has been an increase in residents building structures without permits. She recommended sending a letter with the definition of "structures" with the next Tax Bills and implementing a fine to residents who do not comply after being given a warning and a grace period to fix the mistake.

Steve Larson made a motion, seconded by Pam Burns, to approve the Selectmen's request to rehear the application from Timothy and Charline Leonardi based on the arguments provided. The motion unanimously carried.

Carol Mayhofer made a motion to adjourn the meeting, seconded by Pam Burns. The motion unanimously carried. The meeting was adjourned at 6:55 pm.

Respectfully submitted,

Bethany Hicks

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