

**Zoning Board of Adjustment  
Town of Sandwich  
PO Box 194  
Center Sandwich, NH 03227**

**Notice of Decision  
Case No. 2023-04**

At its duly notified meeting on Wednesday, June 14, 2023, the Sandwich Zoning Board of Adjustment voted 3-2 to **Grant a Variance** for property owned by Jeffery and Sheri Coombs located at 236 Mountain Road, Sandwich, NH, Tax Map/Lot R1 12C in the Rural/Residential Zoning District concerning Article II Section 150-7, 11j (setback for a Detached Accessory Dwelling from principal dwelling) of the Zoning Ordinance. The Applicants proposed to construct a 16 ft. by 30 ft. detached dwelling to be used as an office and family guest cabin in a location that would exceed the 300-foot distance requirement.

The decision was based on the following findings of fact:

1. The variance will not be contrary to the public interest.

Board consensus that there is no impact to the public visually or otherwise.

2. The spirit of the ordinance is observed.

Referring to the ordinance Section 150-7 (11) on Detached Accessory Dwelling Units (DADU) -- The purpose and intent is to provide expanded and alternative housing opportunities and flexibility in household arrangements while maintaining aesthetics and residential use compatible with homes in the neighborhood. This standard is met.

3. Substantial justice is done.

The rights of the owner and public interest – neither outweighs the other.

4. The values of surrounding properties are not diminished.

The proposed location is not visible from the road and esthetics of the proposed building will be consistent with the rural character of the property.

5. Literal enforcement of the provisions of the ordinance would result in an *unnecessary hardship*. (A) For purposes of this subparagraph, "*unnecessary hardship*" means that, 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. This prong applies.

As outlined by members Mr. Olafsen, Mr. Grant, and Mr. Bullitt, the special conditions of the property were identified as: to the south of the house are wetlands and steep terrain; to the east is a steep ravine; to the north boggy terrain, pond, and steep slopes; to the west, although not delineated on a plan, on actual inspection of the area directly beyond the training paddock looked wet with the type of vegetation indicating wetland. The setback from this area moves a building area to the manmade filled boulder field that is unique to this property, that is eroding and unstable and not appropriate as a building area.

Mary Cove

Chair, Zoning Board of Adjustment

June 14, 2023

Note: This Notice of Decision shall be made available for public inspection within 5 business days. Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty days of the date of the decision, the day following the decision being day one. The necessary first step, before any appeal may be taken to the courts, is to apply to the Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds on which you will base your appeal. See New Hampshire Revised Statutes Annotated, Chapter 677 for details.

Pursuant to RSA 674:33 I-a and 674:33 IV, Variances and Special Exceptions approved by the Board shall be valid if exercised within two (2) years of the date of final approval.