



Town of Hill
Zoning Board of Adjustments
30 Crescent St. Suite 1
Hill, NH 03243

NOTICE OF DECISION

Attention: Hill Village Bible Church
C/O Keith Hemmingway
36 Crescent St.
Hill, NH 03243

RE: Request for Variance of Town of Hill Ordinance Article V, Zone V, (Village) Paragraph D.

Dear Pastor Boyce Et, al.

February 13, 2020

After long consideration of the Motion for Rehearing, it is the final decision of the Town of Hill Zoning Board of Adjustment that your request be denied. The Board took a considerable period to reconsider the matter, and due to circumstances beyond our control, the matter was "stayed" for an additional 30+ days. As a result, the Board had more than ample opportunity to consider all the factors. The board concludes that the grounds for reconsideration are not sufficient to sway the previous decision. Pursuant to NH RSA 674:16 the applicant must meet the burden of 5 critical criteria as follows;

- (1) The variance will not be contrary to the public interest;*
- (2) The spirit of the ordinance is observed;*
- (3) Substantial justice is done;*
- (4) The values of surrounding properties are not diminished; and*
- (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.*

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

II. In exercising its powers under paragraph I, the zoning board of adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken.

III. The concurring vote of 3 members of the board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass.

IV. A local zoning ordinance may provide that the zoning board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance. Special exceptions authorized under this paragraph shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception.

V. Notwithstanding subparagraph I(b), any zoning board of adjustment may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

(a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.

(b) In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.

VI. The zoning board of adjustment shall not require submission of an application for or receipt of a permit or permits from other state or federal governmental bodies prior to accepting a submission for its review or rendering its decision.

VII. Neither a special exception nor a variance shall be required for a collocation or a modification of a personal wireless service facility, as defined in RSA 12-K:2.

Taking into consideration the background of the Church's request for rehearing, based on Pastor Dan's Surgery; while the board empathizes greatly with the circumstances behind the request, it remains that the Church had sufficient time to request a continuance and chose to go forward as scheduled. The public in attendance may be unduly prejudiced by granting the Church a second opportunity to present the same information. With regard to same or similar information, the board finds that there are no new grounds upon which the Motion for Rehearing is proposed. The motion identifies the same issues presented at the original public hearing with slightly more emphasis. This does not meet the burden of the statute to require a rehearing. Henceforth, The Decision of the ZBA is Final.

Best Regards,
Town of Hill Zoning Board of Adjustment



Stephen Thomson, Chairman



Ian Gardner, Vice Chairman



Charles Estes, Secretary