

Board of Adjustment

Canterbury, NH

Minutes of Hearing

22 October 2025

Case No. 2025-5 Variance

Present were: Chairman Jim Wieck, Randi Johnson, Scott Herrick, Christopher Evans, Web Stout, Sean O'Brien.

Also present were: Jennifer and John Weberski, Brittany and Brooks Bergholm and Ann Margaret Swanson.

Chairman Wieck advised those present John **Weberski** is seeking a variance "Requesting a front setback of 27 feet for installation of a Reeds Ferry 10x16 shed" on their property. The application involves Tax Map 105; Lot 22 located at 41 Old Tilton Road located in the residential zone. The application references Article 5.2B.1. Chairman Wieck gave a detailed description as to the conduct of the hearing procedure.

Mr. Weberski advised they are looking for a variance due to the topography, rocks, and drainage issues of their land. He went on to add because of the septic placement, propane tanks, the pond area, sloping of the yard, rock outcrops, they believe the variance would comply with the spirit of the ordinance. He spoke to the criteria for a variance. They do not feel there are other options, and this creates hardship. They do not want to build in the open field. They don't want to adversely affect the aesthetics by doing that. Historically, the town archives show that field to be open space and they want to preserve that. They want to place a 10x16 shed 27 feet back on the side of the existing horseshoe driveway to the side of the house. Chris asked if it would be on skids. It will be placed atop gravel on skids, not planning to do an inground foundation. He provided pictures of the topography of their property and the shed. They are looking to place a smallish barn looking Reeds Ferry shed. Chris asked about the size requirements that would require a permit. This does not qualify. It is undersized. Web asked if the 27 or 28 feet measures back from the right of way or the road. Discussion about which way facing ensued. It would be to the road and the edge of the shed side. Discussion about topography and board reviewed pictures provided by the applicant.

Chairman Wieck asked if anyone wished to speak in favor. Ann Margaret Swanson, abutter, spoke in favor and advised water comes down from their property above and they understand the challenges of the topography and the rock formations. Brooks Bergholm, abutter, advised they have no objections. No one spoke in opposition. The applicant had nothing further to add. Web noted 27/28 feet is close to the right of way. The old house is not 50 feet from the road. Web wondered if it would help to turn it 90 degrees. Mr. Weberski looked at that. If they did that the shed would be going into the horseshoe driveway. They are trying to get it parallel to the driveway. Web noted that if you are looking at this from the road, the left-hand side of the shed appears to be close to the slope that is going up. If you turn that you might be able to slide the building a little bit further back. Mr. Weberski said he would talk with his contractor about that. That would push it close to 30. Shortly thereafter there are trees, and it starts to slope up. It is a somewhat rare flat ground in that general area. Chairman Wieck asked how far back is the house from the road? He thinks 35/40 feet from the edge of the pavement. Chairman Wieck asked if anyone else wished to speak in favor or in opposition. No one spoke. He asked if the board had additional questions. Sean asked if he plans to provide a foundation. He does not. It would be placed on skids on a gravel base. Chris asked if it could sit on the leach field. It can not rest on their leach field. Scott asked if there was some way to tuck it in the corner of the meadow, understanding their desire to keep the meadow open. Mr. Weberski did not think so and placing it in the field is contrary to the archival history of the open field of the property. This is why they tried to seek out a small shed for their purposes. Chairman Wieck closed the testimony portion of the hearing at 7:30 PM.

Scott noted unfortunately for this case there are things that can be done alternately that are permitted to allow placement of a shed. Chairman Wieck concurred noting he appreciates the intent of the applicant. The board

does not have that much latitude when there is an alternate means by which they can achieve the desired placement of a shed. There are alternate ways to meet that objective and that is the criteria the board must meet.

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Web made a motion to **DENY** the variance for Case No. 2025-5 for a structure to be located within 27 feet of the road:

1. The variance would not be contrary to the public interest.
2. The spirit of the Ordinance would be observed.
3. Substantial justice would not be done. There is another spot on the property where this shed could be located.
4. The values of the surrounding properties would not be diminished. It is not believed they would.
5. Liberal enforcement of the provisions of the Ordinance would result in unnecessary hardship. There is no hardship. Again, there is another spot for this shed to be located on the property that would meet the current zoning regulations.

Scott seconded the motion. The Board vote was a unanimous decision to **DENY** the variance. Chairman Wieck explained the thirty-day appeal process.

Respectfully submitted,

Lisa Carlson, Clerk
Board of Adjustment