



ZONING BOARD of ADJUSTMENT

Town of Hollis

Seven Monument Square

Hollis, New Hampshire 03049

Tel. (603) 465-2209 FAX (603) 465-3701

Minutes June 25, 2026

The Zoning Board of Adjustment meeting was held in the Community Room, Hollis Town Hall, and was called to order by Chairman Brian Major at 7:00 pm.

MEMBERS OF ZONING BOARD OF ADJUSTMENT PRESENT: Brian Major, Chairman; Jim Belanger, Vice Chairman; Regular Members – Rick MacMillan, Drew Mason; Alternate Members – Kat McGhee, Bill Moseley.

MEMBERS ABSENT: Regular Member - Cindy Robbins-Tsao; Alternate Members - Stan Swerchesky, Michael Bishop.

STAFF PRESENT: Kevin Anderson, Town Planner & Environmental Coordinator; Donna Setaro, Building and Land Use Coordinator.

J. Belanger led the Pledge of Allegiance.

B. Major explained the policies and procedures.

B. Major said the voting members for the case this evening are as follows: B. Major, J. Belanger, R. MacMillan, D. Mason, and B. Moseley.

Determination of Regional Impact

By unanimous vote, the Zoning Board of Adjustment (ZBA) found no regional impact for case ZBA2026-003.

ZBA2026-003

The application of Chris Crump, for a Variance to Chapter X; paragraph H.5d, Minimum Side Yard Depth, to construct a 24' x 32' detached garage 10 feet from the side property line, (required 35') property owned by John & Tera Mullin, located at 25 Colburn Ln. (Map 035, Lot 035) in the Rural Land District.

Applicant: Chris Crump, CWC Design presented the case on behalf of the property owners, John and Tera Mullin, 25 Colburn Lane. Stated that they are here to ask for a side yard variance to be able to provide a detached, two-car garage on the site. The existing lot and house are conforming to all existing zoning bylaws and dimensional controls. They are looking to add a detached two-car garage on the left-hand side of the house, at the end of the driveway. The existing side setback is 35'; they are looking to take it to 10', so they are looking for a 15' relief on the side setback. The reason for this is that they are basically putting in a 24'-wide garage. That is a standard sized garage; it is not oversized in terms of width. It is long, so that they can get some more possible parking or storage, behind their cars, in the back – so it is 32' in length. They have submitted the proposed site plan, and some pictures of the property. He understands that some of the ZBA Board members have been out to view the site, and he appreciates that. If you look at the site, there is a flat driveway on the left-hand side, and then there is a hill that goes up onto the right-hand side of the property, and woods on that right-hand side of the property – so

42 in order to put in a garage on the other side of the house they would have to take down a significant number of
43 trees and then put in a brand-new secondary driveway to where the garage would be located. The garage cannot
44 be pushed any further back because of a septic system that is in the back. They tried to push it back as far as they
45 could. At this siting, the garage would be 10' from the septic system, which is the minimum distance you have to
46 be from a septic system in order to meet code requirements. On the other side of the house there is also an in-
47 ground pool in the back yard, so that restricts them from being able to put the garage back there.
48

49 B. Major asked the Applicant to explain the two-story design of the garage. C. Crump replied that it is a 1-and-a-
50 half story. That is just for more storage, up above. It is not going to be used for any living space. It is a walk-up
51 back end for more storage area, on the back side.
52

53 C. Crump stated that he has done a small rendering of the garage that wasn't submitted in the Board's packet; he
54 passed that rendering around to the Board members, stating that it would give them a good idea of the size and
55 scale. He stated that, as you can see, it is a standard-sized garage; it's not a tower, and it's also in size and scale
56 with the house itself. They don't think that this garage addition will be any more detrimental to the neighborhood.
57 They believe that it is in scale with the rest of the residences in the area. A lot of the other residences do have
58 two-car garages that face the street. They could not put it any closer to the house because they do need to have a
59 little bit of separation when you have a detached garage – so it's only about 6 or 8' away from the house. They
60 could not get it any closer due to fire codes. You have to have it a certain amount of feet away from the main
61 portion of the house for any accessory dwelling, especially a garage.
62

63 B. Major asked the Applicant to talk about the hardship, stating that the house does presently have a two-car
64 garage. He stated that it was mentioned in the application that they considered attaching the proposed new
65 garage, and attaching the garage would mitigate the intrusion into the side yard setback.
66

67 C. Crump stated that attaching the garage would still be impactful into the side yard setback – they would still be
68 before the Board.
69

70 B. Major stated that they would still be here, but in a reduced role.
71

72 C. Crump concurred, but stated that they would pretty much lose all access to the back yard – the septic system,
73 the pool, and so forth. What they would like to do is provide a retaining wall in between the house and the
74 garage, with a stairwell that goes up to the back yard so that they have some access to the back yard.
75

76 Per a question from K. McGhee, C. Crump stated that the existing garage is going to be transformed into storage
77 space, and an interior room. They are going to change the garage, so they will no longer have garage space there,
78 and that is why they are asking to put in a two-car garage on the left-hand side of the house.
79

80 B. Major asked C. Crump to focus on the hardship in this case. What is unique about the parcel? What would set
81 this apart? He stated that the Board has an ordinance which they have to apply. They are concerned about
82 creating a body of decisions which drag behind every application, because they want to be consistent. He asked
83 C. Crump to talk about how this parcel is unique to the point that a variance is warranted.
84

85 C. Crump stated that the driveway is already on the left-hand side, for the existing garage that is underneath. If
86 they were to relocate, the only other location where it could possibly go would be on the right-hand side of the
87 house – which now has a significant amount of trees on that side, as well as a big mound on that side, to get to
88 that side of the property. They would have to take out some of the grading, as well as put another curb cut into
89 the street to be able to put in a second driveway that would go into the back, and cut down a significant amount of
90 trees, and repave, to be able to put that driveway on that side. For the proposal that they have, they did put it at
91 the very end of the driveway – so it is furthest away from the street and won't be so up-front and present. He
92 stated that, as he mentioned before, there is a septic system directly behind the garage, so they couldn't put it any

93 further back or they would have put it back and tucked it behind the house. But this is the farthest back that they
94 can put it; the leaching field is right there, and they have to be 10 feet away from that.
95

96 B. Major asked whether, if they did attach the garage to the house, they did a computation of what type of side
97 yard setback intrusion they would need then. C. Crump answered that, if it's 10 feet now, they would probably
98 still need another 15 feet of relief. 15-13 feet of relief from the side. He stated that, again, if they did do that, it
99 would be very hard to get to the back yard without having to go inside the house and back out again. There would
100 be no direct access, especially for maintenance of lawn care, yard care.
101

102 B. Major asked how far this house is from the abutting home. C. Crump replied that the neighbor to the left has a
103 garage on the right-hand side of their house. Their living space is on the other side of their garage, so this
104 wouldn't affect their living space. Their garage blocks between their living space and the house. Their garage
105 has to be at least 35 feet off of the property line, because they are conforming. In essence, there would be at least
106 45 feet between the Applicant's proposed garage and the abutter's garage.
107

108 C. Crump stated that John and Tera Mullin have contacted both neighbors on the immediate sides, left and right,
109 and they have no issues or problems with the garage being there.
110

111 K. McGhee asked whether the garage is intended to be parallel with the front of the house. C. Crump replied that
112 it lines up with the back corner of the house. K. McGhee stated that, then, it's recessed a little bit. C. Crump
113 answered yes, it's actually one foot further back from the rear wall of the house.
114

115 R. MacMillan asked whether they would have access from the first floor into the top of the garage. C. Crump
116 answered no. R. MacMillan asked about the stairway, there. C. Crump replied that there is a door on the back of
117 the garage. As you get to the end of the driveway, the ground slopes up fairly quickly. The garage is settled into
118 that embankment, and on the back side, up above, on the second floor or attic space, so to speak, with sloped
119 ceilings – there are stairs that go up to a landing on the back of the garage, with doors that go into the area above
120 the garage.
121

122 B. Moseley asked about stairs on the side elevation. C. Crump replied that on the rear elevation and on the floor
123 plan you can see that there are stairs. On the plan, there should be stairs on the right-hand side of that side
124 elevation.
125

126 B. Moseley stated that the Applicants would be removing dirt to put this in, anyway; C. Crump had stated that on
127 the other side of the house is a mound, also. C. Crump replied that that mound is significantly higher, and there
128 are probably about 30 trees along that whole side that they would have to take down, remove, and remove the
129 stumps – and then put a whole new driveway in, which would probably be at least 100 feet of driveway that they
130 would have to put in on the other side of the house. There would be a significant financial implication, to be able
131 to make that work.
132

133 B. Moseley stated that it would still involve removing dirt, as on the proposed plan – it's just a matter of the
134 amount of dirt. C. Crump answered yes.
135

136 R. MacMillan asked whether they would be blocking the existing garage with this garage. C. Crump answered
137 no. The new proposed garage is going to be one foot back from the back of the house.
138

139 R. MacMillan stated that they would be excavating 20-24' of dirt, back there. C. Crump agreed. R. MacMillan
140 asked whether they are saying that they couldn't get to the back yard if they don't put the garage in the proposed
141 location. C. Crump answered no; if they were to attach the garage to the house, there would be trees that would
142 make it hard to get any lawn equipment or stuff around. The space they are proposing to create is a walkway, so
143 that they can get through.

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C. Crump stated that they did look at options as to what they could do; they tried hard to not have to come before the Board, but unfortunately they couldn't see any reasonable way to make it work without doing so.

J. Belanger stated that when he went to the site to look at it, he was under the impression that the driveway which is there now would go up, and that the garage was going to be built further back. From what he is hearing now, they are going to cut into the bank. C. Crump replied yes; it is going to be recessed into the bank because of the leaching field and the septic system that is there.

J. Belanger stated that, therefore, the current driveway is not going to have a slope. C. Crump concurred.

Per a question from J. Belanger, the Applicant confirmed that the temporary structures that are currently on the left of the site are going to be removed.

J. Belanger asked whether there is room in the back for a second leach field, should it be necessary. C. Crump answered that he is not sure. J. Belanger stated that that is why we have two-acre zoning – because of wells and leach fields. Usually, we like to see the capability of putting in a second leach field if you have to condemn the first one.

C. Crump replied that the house was built in 1994. J. Belanger stated that the year doesn't matter. C. Crump stated that he is just thinking about the approximate time of when a leach field seems to have issues, or a septic tank seems to have issues, and needs to be replaced. J. Belanger indicated that a septic tank can be replaced easily, but a leach field is another matter. C. Crump stated that that is not something that they looked into, and, with all due respect, he is not sure how that pertains to the actual garage itself.

D. Mason asked about the plot plan, and the shape shown between the garage and the house. The Applicant answered that it is a fence; there is a little white picket fence that goes across there.

D. Mason stated that he would suspect that if they needed a new leach field, they could just move it further away from the house. It looks like they have plenty of room behind them.

B. Major stated that we have an ordinance. And the ordinance says that we have side yard setbacks. We have side yard setbacks to preserve privacy, and space in residential developments. We have side yard setbacks to allow for access for firefighting vehicles, etc. to the backs of premises; we have them to create good-looking lots, aesthetically separated from one another. In looking at the site, the Applicants have a two-car garage right now.

C. Crump stated that they do, but they won't very shortly. B. Major stated that they won't if they choose not to. C. Crump stated that they are trying to provide parking for their cars in a covered atmosphere, because eventually those two garage spaces will be used for other uses – and that is why they are trying to expand some of the square footage of their house, to be able to provide for the family.

B. Major stated that, anticipating what might come up in the Board's deliberations, the Applicants have a garage. They have practical use of the house right now, without the intrusion into the side yard setback. If the Board grants this variance, and the next one comes along, how do we differentiate between this application and another application with similar facts? He asked the Applicant to tell him something unique about the parcel.

C. Crump replied that he thinks he tried to explain that previously; the right-hand side is not possible. B. Moseley stated that it is possible, if you cut down trees. C. Crump stated that that would involve an extremely significant expense, to make that happen.

John Mullin, homeowner at 25 Colburn Lane. Stated that he thinks you really have to approach this case by case.

195 Each house, each layout, each plot plan is very different. He would be apprehensive to just take this as a standard,
196 moving forward.

197
198 B. Major replied that the Board has to be consistent; that is why he is trying to give the Applicant the opportunity
199 to tell them what is different about this as opposed to another, theoretical application. If we have side yard
200 setbacks, which the Town voters approved, which apply uniformly, then we have to logically make this work.

201
202 C. Crump stated that if they were to put the garage on the right-hand side of the house they would have to put two
203 driveways in, which then makes the house look like a duplex instead of a single-family home. B. Moseley
204 pointed out, however, that they are doing away with the garage currently on the house – so they could mitigate
205 that current paved driveway, and create a real driveway for a garage on the right-hand side.

206
207 C. Crump replied that then they would be making a second curb cut, cutting down all the trees, putting in a whole
208 new driveway, excavating the whole existing driveway, putting down all new grass and a new embankment on the
209 house, for a 24-foot-wide, two-car garage.

210
211 J. Mullin stated that he thinks, again, if you go to each plot, it's unique. If you look at their right side, at their side
212 yard, it drops dramatically – probably 20 or 30 feet. He doesn't know if a driveway on that side would even be
213 feasible. J. Belanger stated that it would be more than an 8% slope, which is not allowed.

214
215 D. Mason stated that another possibility is that rather than building a garage, extend the house further on the other
216 side. That way they don't need a new garage, but they get extra living space that way.

217
218 B. Major stated that the issue could be mitigated, too, by attaching the garage to the house. It might not be
219 exactly what the Applicants wanted to do, but that would mitigate significantly the side yard intrusion.

220
221 J. Mullin asked to clarify the numbers, stating that he thinks the reason they didn't propose an attached garage is
222 because it was a 35' setback. He thought that if it was detached, it was only 15'. B. Major answered no; that
223 would be if it's under 250 square feet.

224
225 C. Crump stated that if the Board looks at the rendering he passed around, the house is in scale: it's balanced and
226 in scale. If you put a garage on the other side, it's going to be very elongated, and it's going to be awkward and
227 out of scale if you put a garage attached to the side of the house, in his opinion. He thinks it looks a lot better
228 detached than it would attached. They are trying to make it as presentable as possible to the neighborhood, and
229 the least noticeable. That is why it is also very low to the ground in relationship to the house.

230
231 J. Belanger stated that what is not being said here is that, if we all agree that this is a great project and it should go
232 forward, we still have to vote that there is a hardship with the property which allows the Board to give a variance.
233 If you were to live in that house the way it is now, and not have another garage, what is the hardship? That is the
234 problem that the Board has to work with.

235
236 C. Crump replied that everybody on that street has garages. They all have one, two-car garages. J. Belanger
237 stated that the Applicants have a garage now.

238
239 J. Mullin stated that he can speak to the hardship. He doesn't know whether members of the Board have the
240 colonials with the garages underneath, but they are absolutely tiny. The ceilings are short, you can barely fit a car
241 in, it's got poles in the middle of it. They have three kids; it's filled with bicycles, e-bikes, lacrosse equipment,
242 golf bags. The issue with this house, for them, is the lack of storage. Also, they don't have a mudroom – so you
243 come walking in their front door, book bags get thrown there, shoes get kicked off, jackets. They are trying to
244 create a better entry, a more natural entry, through one of the garage bays now, which will become a mudroom for
245 storage, for coats, jackets, boots, book bags, that sort of thing. They would keep another bay for storage and/or

246 another car – they have three kids, so one of them is going to be driving soon. That’s why they wanted to go with
247 the longer driveway. They’ve been parking in their driveway since they bought the house. Having to clear your
248 car off with every snowstorm is a huge pain.

249
250 J. Belanger stated that a lot of people in Hollis have no garages.
251

252 J. Mullin stated that they wanted more storage, and they wanted to create a better living space for the house.
253

254 J. Belanger asked whether the Applicant would have an issue with a condition that says that they would have no
255 temporary structures within the setback, as they have now. J. Mullin stated that that gray thing will be gone; they
256 want that out of there. J. Belanger stated that he understands that, but he’s talking about going into the future. J.
257 Mullin replied that he sees no need, or want, or desire; if they do this, they’re good.
258

259 B. Major asked about the height of the garage. Is this higher than it has to be, to have a two-car garage? If you
260 put a garage on with trusses, just trusses, how much shorter would the garage be?
261

262 C. Crump replied that this garage literally has the roof right on top of the top of the walls, and it’s just enough to
263 be able to put the garage doors and the height on it to be able to make it happen. It just so happens that, because
264 of the way that it’s pitched, and so forth, which is similar to the same pitch as the main house – so they want to
265 keep that intact, and the same scale, and size, and relationship. There is some attic space that is up there, just
266 enough to be able to put a door on the back side to be able to put storage there. It’s just like attic storage. There’s
267 no way that they’d be able to put anything in there for living space; it’s just for storage.
268

269 C. Crump stated that, in their opinion, you have to have a garage door, and they wanted it to be a little bit higher
270 in the ceiling than they have now so that they can go in there with, maybe, a tool on top of their car, or an SUV,
271 and fit comfortably – rather than having to take the thing off in order to get the car into the garage. They just sat
272 the roof right on top, put at the same pitch as the main house. They could have asked for a two-story space; they
273 don’t want a two-story space. They want to make it minimal, less noticeable, and more in scale with the
274 neighborhood.
275

276 B. Major asked how high the individual garage bays are – how high is the ceiling? C. Crump answered that it is
277 about 8.5 or 9 feet. He added that most of the garage is going to be embedded into the bank, so you’ll see the
278 grass more than you will the garage, especially on the back side.
279

280 B. Major asked, from the back, how far the garage will be into the bank. Are they going to have a knee wall in
281 the back? C. Crump answered no; it’s going to be a full foundation wall on the back side of the garage. It won’t
282 be a full wall and roof that the neighbor will see – half of it will be the embankment, of the grass and the trees.
283

284 B. Major stated that the big roof is the other problem; that aggravates it a bit. C. Crump stated that they did show
285 the neighbor all the plans and so forth, and they had no issues with it.
286

287 K. McGhee asked about the left side, when you’re looking straight on. It looks as if there are a lot of trees over
288 there, too, and C. Crump said that 45 feet was the space between the two garages? C. Crump replied that he
289 looked at it in terms of the fact that it’s 10 feet from the proposed garage to the property line, and the neighbor’s
290 lot is conforming; so it’s 35 feet just to their garage – and then you have another 24 feet, at least, until their living
291 space. K. McGhee asked whether that area was treed. C. Crump answered yes, there are trees in between, as
292 well.
293

294 J. Belanger stated that he couldn’t see the neighbor’s house from the Applicant’s driveway.
295

296 K. Anderson stated that he was trying to do some deed research, and came across what appears to be a drainage

297 easement – but he can't confirm that it is on the property. He wants to be sure that the garage is not being
298 compounded. Depending on how the Board votes, they might want to put a condition such that the deed is
299 verified. If they have an easement on there, they won't be able to construct this building there. Their deed does
300 call on a drainage easement on the deed – but the lot numbers don't coincide with the recorded plan.

301
302 D. Mason asked whether it identifies where the easement is. K. Anderson did not know, as the lot numbers do not
303 coincide with the recorded plan. Per another question from D. Mason, K. Anderson stated that the date of the
304 easement is 1985 – back when the original subdivision was created.

305
306 C. Crump stated that he is very familiar with Meridian Land Services; they are very vigilant in making sure that
307 they check all the records. He would be very surprised if there was something impeding this, with an easement.

308
309 B. Moseley stated that he and K. Anderson have both run into such an issue before. Easements don't get recorded
310 as well as one would hope.

311
312 **No further questions from the Board and none from the floor. The hearing portion of the case was closed.**

313
314 **DELIBERATION AND DECISION**

315
316 **ZBA2026-003**

317 The application of Chris Crump, for a Variance to Chapter X; paragraph H.5d, Minimum Side Yard Depth, to
318 construct a 24' x 32' detached garage 10 feet from the side property line, (required 35') property owned by John
319 & Tera Mullin, located at 25 Colburn Ln. (Map 035, Lot 035) in the Rural Land District.

320
321 R. MacMillan stated that this is not a de minimis relief from the side setback. The Board has never given this
322 kind of relief to anyone, that he knows of. 10 feet, as opposed to 35 feet? He knows of one case in which the
323 applicant wanted a barn, and there were 30 acres around the area which the applicant owned – and the Board
324 would not grant the request because he was 15 feet from the property line.

325
326 B. Major recalled another case in which a three-car garage was planned for a house in a development and it
327 became a two-car garage because of the potential intrusion.

328
329 R. MacMillan stated that it would just not be fair to other people. The whole Town voted. Every case is
330 separate, but you're asking for less than a third of what the setback is. He asked what the hardship is, in this
331 case. Everybody is subject to these regulations.

332
333 B. Moseley added that everything costs a lot of money. It's unfortunate that things are expensive to do, but
334 to do it right where do we draw the line? There are other options.

335
336 R. MacMillan asked why we don't just throw out the ordinance and let people do what they want. B. Major
337 stated that that was a fair point. B. Moseley stated that the Board has run people through the wringer on
338 similar things.

339
340 R. MacMillan stated that it is the Applicant's land; he should be able to do whatever he wants on it – but
341 there is an ordinance, and we are supposed to enforce that one way or the other: either give some relief, or
342 enforce it. No one likes to say "you can't use your property".

343
344 J. Belanger stated that he thinks that a person who owns a home is allowed to do what they can to make it
345 more livable. K. McGhee concurred. J. Belanger stated, though, that we do have ordinances that require
346 setbacks, and unless we go to the Town and change that ordinance, it stays.

347

348 K. McGhee stated that she understands what the Board has said about precedent, but that's why you have a
349 variance – for someone to come and make a case. When she looks at an aerial view, there are a whole bunch
350 of trees on that side. The point of the setbacks is to preserve the character, and to make sure that you're not
351 encroaching on other people's parcels in any way. That is why the Board is here – to decide whether that is
352 going to happen or not happen.

353
354 R. MacMillan asked about what if the trees were not there. K. McGhee stated that there is a lot of space. R.
355 MacMillan stated that we don't have an ordinance indicating that if the trees are there, it's ok. K. McGhee
356 stated that the ordinance is there, and it has an intent that the Board is supposed to satisfy.

357
358 D. Mason showed an aerial view of the property to the rest of the Board members.

359
360 K. McGee stated that that is why we have humans looking at the circumstances of a case. She added that she
361 thinks the only hardship the Applicant really identified was the way the land works.

362
363 R. MacMillan stated that if the Applicant was looking for 5 feet, or even 10 feet, of relief – but 25 feet less
364 than the ordinance, which is 35 feet?

365
366 J. Belanger stated that the Board has had this discussion before, and the subject that is seldom talked about is
367 the neighbor. If they sell their home, and someone else buys it, they expect the abutting neighbor to have a
368 setback and it isn't there. B. Moseley stated that the Board always considers what happens if the neighbor
369 moves.

370
371 To that point, R. MacMillan asked who is responsible for that and stated that it is this Board.

372
373 J. Belanger stated that he wants them to build this garage. R. MacMillan agreed – they've got kids, it would
374 be a great adjunct to the property, obviously. J. Belanger stated that he thinks it's a great plan.

375
376 R. MacMillan stated that he would love to say “go ahead and do it; it's your property. I want you to enjoy
377 your home” – but the Town gets together and votes on these ordinances, and expects us in some cases to
378 enforce them.

379
380 B. Major stated that he would like to see this done, too. He is trying to come up with a defensible finding
381 that the Board could make on hardship in this case. The first problem is that they've got an existing garage –
382 they already have a garage. They've got a two-car garage. We all can't do things we want to with our
383 properties because we have the ordinance. He is trying to come up with an argument for hardship. Does he
384 think this will diminish the value of the surrounding properties? Of course not. Does he think anyone would
385 notice this, or care about it? No, he does not.

386
387 R. MacMillan stated that he doesn't think it would hurt anybody.

388
389 K. McGhee stated that she thinks the argument about the existing garage is that it was a standard garage.
390 They are trying to make a useful garage, versus the garage that they have.

391
392 R. MacMillan wondered whether the Applicants looked at the existing garage when they bought the property.
393 It's caveat emptor.

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395 B. Major stated that the other thing is that it could be mitigated significantly by attaching the garage to the
396 house.

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398 D. Mason stated that it could be a one-car garage.

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R. MacMillan stated that the pool comes into play in the back. The proposed garage fits right in with the pool; there is a room up top, and a landing that goes down to the pool.

R. MacMillan further stated that he wishes the Applicant could have this – but it’s not fair to other applicants who have come here, applied for variances, and not gotten them. This application is too aggressive; it’s giving away too much of the ordinance’s dimensions.

B. Moseley stated that the proposed garage is square in the setback, basically.

D. Mason stated that last month the Board allowed a shed [chicken coop] with almost zero setback. D. Setaro pointed out that there are different setbacks in the Town Center. B. Moseley stated that that was a different use, in a different zone. B. Major concurred that that case was in the Town Center, stating that in that area there are lots of structures that are on the property lines.

B. Major stated that he wants to grant this variance; he thinks it would look good.

R. MacMillan stated that there isn’t anyone on this Board who wouldn’t grant the variance if there was any way to do it logically.

B. Moseley stated that the application is to put the structure basically entirely in the setback. Entirely – except for that one back corner.

R. MacMillan stated that we all want to grant this – but that’s not the Board’s job.

D. Mason stated that he is trying to fish for a hardship. They’ve got the leach field, which is in the way. B. Moseley pointed out that they could go on the other side. D. Mason stated that he understands that; they could abandon their existing driveway, and just put a new driveway over there at great expense. That is a viable, if expensive, solution.

J. Belanger stated that they could live without a garage. D. Mason added that they are basically doing that now, they said. D. Mason stated that they could leave the garage, and expand the house in that direction.

B. Moseley asked where we draw the line, where expense is a hardship.

B. Major asked whether the Board members would look at the case differently if the garage were to be attached, and there were only a 13’ encroachment into the setback.

R. MacMillan answered perhaps, but that that’s not what the issue is. That’s not what we’re looking at. The Applicant could come back and suggest that, and the Board could decide then. That wouldn’t be as egregious as this is.

B. Major stated that the Board has granted a lot of variances with 5’ of encroachment. R. MacMillan stated that that is what the Board is for – some relief in instances where it’s de minimis. If you totally ignore the ordinance, then this is ok.

B. Major stated that he can’t come up with a hypothetical case in which the Board could deny a variance with this as a controlling precedent. He understands that we don’t have controlling precedents; we have to take each case on its own – but logically speaking, he doesn’t know how they could deny a variance in the future with this, with a building being constructed in the setback.

450 R. MacMillan concurred, stating that they couldn't deny any variance, in good conscience, as long as it's
 451 within 10 feet of the property line.

452
 453 *B. Major moved to deny the application with the Finding-of-Fact;*
 454 *1. The Board finds that the Applicant did not demonstrate any hardship with respect to the application.*

455 *Seconded by R. MacMillan.*
 456 *Motion unanimously approved.*

457
 458 Questions – Variance

- 459
 460 Question 1. The variance will not be contrary to the public interest.
 461 Question 2. The spirit of the ordinance is observed.
 462 Question 3. Substantial justice is done.
 463 Question 4. The values of surrounding properties are not diminished.
 464 Question 5a(1). No fair and substantial relationship exists between the general public purposes of
 465 the ordinance provision and the specific application of that provision to the
 466 property.
 467 Question 5a(2). The proposed use is a reasonable one.
 468 Question 5b. The property cannot be reasonably used in strict conformance with the
 469 ordinance, and a variance is, therefore, necessary to enable a reasonable use
 470 of it.
 471

Board Member	Question #1	Question #2	Question #3	Question #4	Question #5a (1)	Question #5a (2)	Total Yes	Total No
B. Major	No	No	Yes	No	No	Yes	2	4
J. Belanger	Yes	No	Yes	Yes	Yes	Yes	5	1
R. MacMillan	No	No	Yes	No	No	Yes	2	4
D. Mason	Yes	Yes	Yes	No	No	Yes	4	2
B. Moseley	No	No	Yes	No	No	Yes	2	4

472
 473 **THEREFORE, THE VARIANCE WAS DENIED WITH THE FOLLOWING FINDING-OF-FACT;**
 474 **FINDINGS-OF-FACT:**

475 **1. The Board finds that the Applicant did not demonstrate any hardship with respect to the**
 476 **application.**

477 **Other Business**

478 K. McGhee suggested that the Board have a discussion at some point in terms of what constitutes hardship. There
 479 was general discussion as to where “hardship” is defined.

480
 481 B. Moseley stated that a comment came up recently in regard to a joint ZBA and Planning Board meeting to talk
 482 about zoning ordinances. He brought that up to the Planning Board, which would be happy to have such a
 483 meeting. They would be looking at a September/October timeframe. They would ask that if there are any
 484 proposals they be drafted out to bring to the Planning Board, so that they have something on paper to discuss.
 485

486 D. Setaro pointed out that a lot of the Town Boards are changing their meeting start times from 7:00pm to
 487 6:00pm. She asked whether the members of the ZBA would be interested in that, or not. This can be discussed at
 488 the Board's next meeting.

489
 490 **Review of Minutes**

491 *J. Belanger moved to approve the minutes of May 28, 2026.*

492 *Seconded by B. Moseley.*

493 *Motion approved, with R. MacMillan abstaining.*

494

495 **Meeting Adjourned**

496 The ZBA meeting adjourned at 8:00 pm.

497

498

499 Respectfully submitted by:

500

501 Donna Lee Setaro, Building and Land Use Coordinator,

502 and Aurelia Perry, Recording Secretary.